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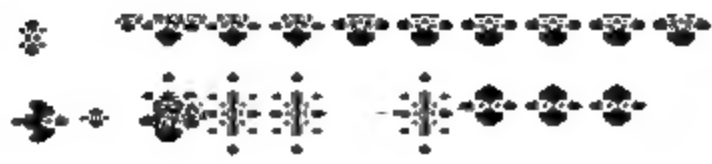
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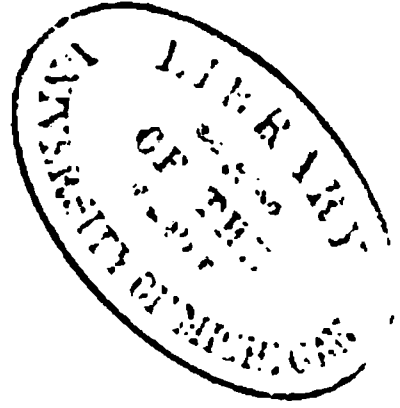
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**JOURNAL**

**OF THE**

**HOUSE OF REPRESENTATIVES**

**OF THE**

**STATE OF MICHIGAN;**

**1837.**

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**BY AUTHORITY.**

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**DETROIT:**

**JOHN S. BAGG, STATE PRINTER.**

**1837**





## JOURNAL, & c .

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*Monday, January 2, 1837.*

This being the day fixed by the twenty-first section and fourth article of the constitution of this state, for the meeting of the legislature, the following members appeared, and after being duly qualified took their seats :

*From the county of Wayne*—Charles W. Whipple, William Munger, Job Smith, John Martin, Ammon Brown, N. P. Thayer, Caleb Herrington, George W. Ferrington.

*From the county of Washtenaw*—Orrin Howe, Oliver Kellogg, Gilbert Shattuck, Thomas Lee, Kingsley S. Bingham, James Kingsley, Robert Purdy.

*From the county of Monroe*—Alpheus Felch, Warner Wing, Thomas Farrington.

*From the county of Oakland*—William Burbank, William Yerkes, Pitts Phillips, H. Haskins, George W. Wisner.

*From the county of Lenawee*—Orange Butler, A. Finch, jr., Jesse Ballard, Alonzo Cressy.

*From the county of Macomb*—Ephraim Calkin, Isaac Monfore, L. S. Gilbert.

*From the county of St. Joseph*—Neal McGaffey, Martin G. Shellhouse.

*From the county of Cass*—William Burke, James Odell.

*From the county of Kalamazoo*—Caleb Eldred, Edwin H. Lthrop.

*From the county of Hillsdale*—Stillman Ralph.

*From the county of Branch*—Hiram Alden.

*From the county of Berrien*—Robert E. Ward.

*From the county of Allegan*—Elisha Ely.

*From the county of Calhoun*—Ezra Convis.

*From the county of Jackson*—J. G. Cornell.

*From the county of Lapeer*—Silas D. McKeen.

*From the county of Saginaw*—William F. Moseley.

*From the county of Michilimacinack*—J. P. King.

*From the county of Chippewa*—Henry A. Levake.

Elijah J. Roberts and John S. Heath, from the county of St. Clair, each presented their credentials and respectively claimed a seat as the representative elect from the said county of St. Clair.

On motion of Mr. Howe, of Washtenaw,

Mr. Alden, of Branch, was elected speaker pro tempore.

On motion of Mr. Lothrop, of Kalamazoo,

George R. Griswold, was elected clerk pro tempore.

On motion of Mr. Bingham, of Washtenaw,

——— Houston was elected sergeant-at-arms pro tem.

On motion of Mr. Convis, of Calhoun,

A committee of two was appointed, consisting of Messrs. Lothrop and Ward, to wait upon the Senate and inform them that a quorum of the House was present, organized and ready to proceed to business.

A message was received from the Senate, announcing that a quorum of that body was present, organized and ready to proceed to business.

On motion of Mr. Lothrop, of Kalamazoo,

A committee of five was appointed, consisting of Messrs. Lothrop, Felch, Ralph, Howe, Whipple, as a special committee on elections.

On motion of Mr. Whipple, of Wayne,

A committee of two was appointed, consisting of Messrs. Whipple and Convis, to act with such committee as may be ap-

pointed by the senate, to wait upon the Governor and inform him that both branches of the legislature are now organized and ready to proceed to business.

On motion of Mr. Lothrop,

The credentials of E. J. Roberts and John S. Heath, were referred to the committee on elections.

The committee appointed to wait upon his excellency the Governor, reported that they had executed the duty assigned to them, and had received for answer that he would communicate by message or in person to both branches of the legislature this morning.

A message was received from the Senate announcing that that body would meet in joint assembly with the members of the House of Representatives, in the hall of the house, this day, to receive a message from the Executive.

On motion of Mr. Ely,

A committee of two was appointed, consisting of Messrs. Ely and Butler, to wait upon the Senate and conduct them to seats.

#### IN JOINT ASSEMBLY.

The Senate having been conducted to seats,

On motion of Mr. Barry, of the Senate,

A committee of two was appointed, consisting of Messrs. Barry (of the Senate,) and Convis, (of the House of Representatives,) to wait upon the Governor and inform him that both branches of the legislature were now in convention, ready to receive any communication he may see fit to make. A message was received announcing the presence of his excellency the Governor, who, after being conducted to the chair, delivered the following message:

#### MESSAGE.

*Fellow citizens of the Senate,*

*and House of Representatives :*

On the annual assemblage of the representatives of the people, I am again required to review the affairs of the commonwealth, and in obedience to the express injunction of the constitution, to

recommend to the legislature such matters as are expedient and essential to its permanent welfare and prosperity.

In taking a retrospect of the past year, we find much cause for congratulation. The tide of emigration is rapidly extending its course to the remotest borders of the state ; unprecedented health has blessed the habitations of the people ; abundant harvests have crowned the exertions of the agriculturist ; our cities and villages are thronging with an active and enterprizing population ; and notwithstanding the embarrassments which have surrounded us in our relations to the federal Union, social order has been preserved, and the majesty of the law has been supreme. Such are the advantages which have been secured to us during the past year, and we should not overlook the gratitude due the High Source from whose bounty they have arisen, and through whose providence and power they are to continue.

I wish it were in my power, fellow-citizens, to communicate to you as my first duty, the honorable and favorable accommodation of our difficulties with the general government. That duty I trust, however, is postponed to no distant day. The convention which assembled under the act of July the twenty-fifth, eighteen hundred and thirty-six, and to whom was submitted the proposition of the congress of the United States, refused to accede to the proposed terms of admission of the state into the Union. A subsequent convention of the people, assembled without the sanction of the legislative or executive agency, have nevertheless given the assent required by the act of congress as a prerequisite to our admission, reserving at the same time to the people of Michigan, all their rights under the constitution of the United States, and protesting against the constitutionality of the power exercised by the federal government. It does not perhaps become me at this time, and in my present place, to deliberate upon the validity of the proceedings of this convention. It is sufficient for me to state, that it emanated with and from the exclusive source of all political power ; that it had its origin in that declaration of your constitution which asserts, that government is instituted for the benefit, protection and security of the governed ; that it recognizes the greatest good of the greatest number as the vital principle of the

social compact, and that its authority is the deliberate will of the people.

I am unauthorized to say in what light the authorities of the United States will view the assent given by this convention. Whether it will be considered a compliance with the requisition of the act of congress, or not, I am unable to state. Nothing official has been received that would justify a conclusion on this point. Neither have I been able to indulge a reasonable hope that congress will remove the obstacle to our admission by a repeal of the obnoxious provision of their law, and permit the unconditional admission of the state into the Union, as she is in justice and by right entitled.

My views of the rights of Michigan under the ordinance of seventeen hundred and eighty-seven, as repeatedly expressed to the legislature, remain unaltered and unalterable. In the question of our admission into the Union, I would yield to the general government nothing as a matter of right, unless their claim of power was clearly pointed out by the constitution and laws of the country. I protest against the constitutionality of an act of congress prescribing any condition to the admission of a state into the federal Union. The states themselves and the judiciary are the only tribunals competent to take cognizance of conflicting claims of boundaries between states. But it is needless for us to theorize longer upon abstract principles of right. We are compelled to view things as *they are*, and not as they *should be*. At one period of the controversy the legislation of congress was with us. It is now against us, and we must respect it. We therefore spend a bootless grief by delaying our admission into the Union, and I deem it your duty to extend every aid in your power, by which an object so desirable may be most certainly accomplished. The interests of your constituents demand this at your hands ; a sound and prudent policy dictates it.

The people of Michigan it is true, with an unanimity seldom if ever equalled, deny to congress the right of attaching any condition whatsoever to their admission into the Union. The power has however been exercised, and admitting the wrong, who will point out the remedy ? An appeal to the supreme judicial tribu-

nal of the country is denied us until a state of the Union, and if the right could be acknowledged to us, we cannot exist as a state independent of that Union. Whatever brilliancy our increasing prosperity may exhibit, it is but a reflected light of a confederated republic.

Then, fellow-citizens, what course is there left for us to pursue? But one, and that a patriotic obedience to the will of the people of the United States. We have our views in regard to the constitutionality of the power exercised by congress, it is true; but we must not forget that we constitute but a small fraction of the thirteen millions of people, who by their representatives have given this decision against us, and that their views are perhaps in their minds, entitled to equal consideration with our own. We can only judge the future by the past, and we cannot therefore reasonably expect the present or a future congress to annul the solemn enactment of their predecessors. We have no additional argument to offer, for argument has been exhausted. We have petitioned; we have remonstrated; but all has been in vain.

Yet there is, fellow-citizens, perhaps a remedy left us, which tyranny may drive a people to adopt. It is the natural right of resistance to oppression inherent in every community; it is the *ultimo ratio* of a desperate and oppressed people, whose edict must be written in blood. But have we reached that degree of oppression where resistance to authority becomes a virtue? I will not, fellow-citizens, offer an indignity to your understandings and feelings, by an answer to such an interrogatory. I feel that as American citizens we should cherish the tender ties of a common descent, and recollect that our federal Union was the offspring of the great achievements, the common perils, and common triumphs of the fathers of the republic. We recognize in the government of the United States the representative head of that Union; we acknowledge it to be the guardian of the constitution, authorized and bound to enforce its laws; and although we have felt the heavy hand of its injustice, we will neither resist nor revile that parental authority, but rather, like the sons of old with averted faces, conceal with a garment a parent's nakedness.



The period has arrived when Michigan can no longer, without detriment to her standing and importance as a state, delay the action necessary for the developement of her vast resources of wealth. Nature has bestowed upon us the highest advantages of climate, a fertile soil, and peculiar facilities for commerce; and with a prudent and wise forecast to be exercised by the legislature and the people, we cannot fail soon to reach that high destiny which awaits us. I proceed, therefore, to the consideration of the general affairs of the state, and shall call your attention to such subjects as seem to demand immediate legislative action.

The annual reports of the Auditor General and Treasurer will be transmitted to you. Our revenue system is as yet imperfect, and I would most respectfully suggest a careful review and digest of the laws providing for the collecting of state, county and township taxes. Some mode should be provided by which the assessments of taxes could be made more equal in the different counties and townships. Under the present system of taxation, the disparity in many cases has become so great, as almost to destroy every thing like an equality in the apportionment of this part of the public burdens. The unexpended balance in the state treasury on the first day of the present year, as exhibited by the treasurer's report, was \$27,130,68-100. The current expenditures for the ordinary purposes of the government, for the year 1836, were \$50,301 26-100. As yet no state tax has been collected and paid into the treasury. The act of March the 12th, 1836, levying a tax for state purposes, has not been as fully carried into effect by the supervisors of the several counties, as might have been expected. Every effort has however been made to remedy the neglect, and to secure a prompt fulfilment of the provisions of the law by the first of March next. The revenue derived from this source will, it is thought, be ample for all the current demands of the state during the present year. Economy in the expenditures of the government must, however, be substituted for taxation, and this can in no wise be so effectually accomplished as by a prompt discharge of their duties by the officers of the people.

Short sessions of the legislature, so far as is consistent with a due attention to the public interests, should be observed, and an

avoidance of all extravagant and unnecessary expenditures is absolutely demanded by our constituents.

In the event that Michigan should receive on deposit that portion of the surplus revenue of the government of the United States, which is so justly due her under the act of congress, it will become your duty to provide by law for its safe and prudent disposition. By the provisions of the law, that portion of this revenue which will probably be assigned to Michigan, becomes a deposit with the state, liable to recall in whole or in part whenever the wants of the general government may demand it. The faith of the state is pledged for its return, and it does not become us under these circumstances to calculate upon the chances of this demand never being made.

It is our duty to be prepared to perform our part of the agreement in good faith, and for this purpose two modes are suggested, by which the state may at any time command the funds necessary to enable her to meet the requisition of the general government when required.

*First*, I would suggest for consideration the propriety of authorizing the executive by the passage of a law for that purpose, to issue a state stock, upon which the necessary funds to meet a call by the authorities of the United States for any portion of this surplus, may be readily realized. The call when made, by a provision of the act of congress, must be preceded by due notice, which would enable the state to meet the emergency by a sale of her stock. The second mode suggested, and the one which I deem preferable, is, that the whole amount of revenue received from the United States be loaned on good security to such banks or other institutions as the legislature may designate, subject to recall by the state in whole or in part at such periods as would meet the demands of the general government. The interest accruing to the state on these deposits, might be appropriated to the current expenses of the government, may be applied to such other purposes as the legislature may direct, or it may be constituted a sinking fund for the redemption and payment of interest on such loans as the state may hereafter contract for internal improvements or other purposes.

In compliance with a joint resolution of the Senate and House of Representatives, I have submitted to each railroad company within the state, the proposition of transferring to the state their respective charters. As yet the Detroit and St. Joseph and the St. Clair and Romeo railroad companies, have alone responded to the proposal of this resolution. The president of the first named company has communicated to me their decision, informing me that the company will readily surrender to the state their stock, upon the repayment of the sums advanced, under such an arrangement as will secure the completion of the work within a reasonable period.

This proposition is a liberal one, and the importance of the contemplated improvement is such as should induce its prompt acceptance by the state. The latter company will surrender their charter on condition that the state will pay to them the sums which shall have been expended at the time the transfer shall be required, and that the state engage to complete the road within six years from the first of January next, to some point on Lake Michigan or Grand river. If, however, the legislature should determine not to receive the exclusive charge of public works of the above character, I would again suggest that the state take such an amount of stock in the chief routes which have or may be ordered, as will secure to the people a controlling influence over them. The importance of this suggestion, if not admitted now, will be acknowledged hereafter, when all the great avenues of the state are found in the hands of private companies.

In my last annual communication to the legislature, I endeavored to urge upon their consideration the importance of maturing without delay, a permanent and judicious system for the direction of our internal improvements. The constitution enjoins this duty upon you, and I earnestly commend it to your most serious attention. The first measure to be adopted in carrying into successful effect this branch of our state policy, is the immediate organization of a board of internal improvement. Under the direction of this board, the surveys essential in legislating safely with reference to contemplated works of improvement, should be made during the present year, so that at the next session of the legislature, measures may be adopted for the imme-

mediate commencement of such canals, railroads or other public works as may then be sanctioned and designated. Competent engineers should be employed under the direction of the state board, and without the evidence of their estimates and investigation, no important work of improvement should ever be ordered by the legislature. If this plan is not adopted, the state will be constantly liable to the heavy charge of extravagant, unprofitable and useless expenditures. The state is amply competent to the construction of her own internal improvements, and by a wise and economical expenditure of the means which may be placed in your hands, you may in a great measure supersede the necessity of placing all those resources of wealth in the hands of private companies. Whilst every section of the state is equally entitled to your liberal and encouraging legislation, I may be permitted to suggest several surveys, which may be ordered during your present session. The practicability of uniting the waters of Lake Michigan with those of the eastern part of the state has been long conceded. It is impossible, however, without previous surveys, to determine which is the most practicable of the many routes which have been suggested. In casting a glance over the map of the state, different communications will readily occur to you as seemingly practicable. The head waters of the Grand river flowing into Lake Michigan, it is believed, might be connected with the waters flowing into Lake Huron or the Black river of St. Clair; and I am credibly informed that a canal fourteen miles in length would unite the head waters of the Looking Glass river with the head waters or tributaries of the Shiawassee: Again, it may be found upon survey that this communication may be continued by canal to the Detroit river, or down the Shiawassee, to the mouth of the Saginaw; the Huron it is thought may be connected with the Red Cedar; and the Raisin with the head waters of the St. Joseph's or Kalamazoo. These surveys can be made, and then the legislature may select for construction one route or more, if found practicable, or if justified by the means of the state. In the event, however, that sufficient water for canal purposes cannot be obtained at the summit level between Lake Michigan and Lake Erie, the state will be compelled to direct all her energies and resources to the

construction of rail and Macadamized roads, or roads laid with wood, and to the improvement of the navigation of her inland streams.

In relation to the immense annexation of country which has been made to the state, north and west of Lake Michigan, it becomes necessary that we should adopt some measure by which the acquisition may be rendered valuable. The value of the fisheries and other objects of trade and commerce on Lake Superior, will, I am confident, yet exceed the expectations of the most sanguine of our citizens; and it only needs a communication for our shipping around the falls of the St. Mary's river, to enable us to realize those expectations. This work should, however, be considered essentially national, and I would therefore suggest, that you memorialize congress for an appropriation for the construction of a ship canal from the outlet of the lake to a point on the river below the falls. The distance between the two points will not, it is thought, exceed one mile; and the expenditure of one hundred thousand dollars in the construction of this canal, would be so trifling a matter when compared with advantages growing out of it, that we should not lose sight of the importance of making it a state improvement, in the event that the government of the United States should refuse the necessary appropriation for its completion.

Numerous applications for charters will be made to you at your present session, for the construction of railroads in different sections of the state. I feel it my duty as the executive officer of the government to give my sanction to all applications of this character, however much I may doubt the expediency of too great an extension of chartered privileges, whenever I am satisfied that the public and not private interests, are the objects of the application. In assuming this rule of conduct, I shall not fail at the same time to keep before me the fact that railroads are only of advantage to the great body of the people, where they tend to increase the value of the products of agriculture and the demand for labor. These results are only to be expected from such railroads as open a market for produce, by supplying better and cheaper facilities of transportation to such parts of the state as were in a measure before deprived of them. I am led

to these suggestions from the circumstance that all applications for railroad charters are apt to be too readily granted, whether running from one section of the state to another, from village to village, or from neighborhood to neighborhood. The result of this course of legislation, if persevered in, must be that the common roads of the country will become neglected and forgotten, will be rendered unfit for the ordinary purposes of travel, and the farmer must ultimately be dependant on private companies for the transportation of his produce, upon such terms and at such prices as individual interests may dictate.

So manifestly important and essential to the permanent interest and prosperity of the state, is the immediate perfection of a system of internal improvements, that I deem it unnecessary to urge the subject more fully upon your attention. In the first commencement of our public works, we must necessarily rely upon foreign loans for the immediate means of carrying them into effect. I would therefore recommend the adoption at your present session of such measures as may be required in the negotiation of such a loan as is demanded by the objects which we have in view. A loan of five millions of dollars, to be drawn as wanted, it is thought would be sufficient to accomplish all the important public improvements demanded by the state for the present; and that economy may be considered as misjudged, which, for the sake of avoiding an immediate advance of money, would subject the community to inconveniences and evils a hundred fold greater than the benefits to be derived from procrastination.

The Superintendent of Public Instruction will report to you a system for the government of the University of Michigan, and for the organization of the primary schools of the state. For the details of these systems, I refer you to the report, which I commend to your most earnest consideration. I cannot, however, dismiss the subject of education, without endeavoring to impress upon your minds the truth, that in it is embraced the most vital interests of the country, and that no object within the province of your legislation should demand so important a portion of your time and attention.



The state fund for the support of common schools, with a prudent husbandry, will equal our utmost wants. The University of Michigan will also possess an endowment which will enable the state to place that institution upon an elevation of character and standing equal to that of any similar institution in the Union. I would therefore recommend the immediate location of the University, and at the same time the adoption of a system for its government, as well as a system for the government of your primary schools.

In the organization of your common schools, which are the foundation upon which your whole system of education must be based, the first measure essential to their success and good government, is the appointment of teachers of the highest character, both moral and intellectual. Liberal salaries should be allowed the instructor; and without this you may rest assured you must fail in your object; as individuals in all respects competent to the charge of your schools, will be excluded from them by the parsimoniousness of their compensation. Let me also suggest that you adopt a permanent and uniform standard of works to be used in the schools; and that in the studies selected, they may to as great an extent as practicable embrace the useful and practical information of life. Let your youth be taught the first principles in morals, of science and of government, commencing their study in the primary schools, elevating its grades as you approach the district seminary, and continue its progress until you reach the highest seat in your University. By this system your children will acquire practical knowledge for after life, and have instilled in their minds at an early day their duties as citizens, and above all, their obligations to the Searching Power of another world.

In contemplating the past and dwelling upon the future, we are forcibly reminded that if our government is to outlive the term heretofore allotted to republics, it is to be accomplished by the diffusion of knowledge amongst the people; and that we must depend upon the power of a liberal and enlightened public "as the palladium of a free government, the ægis of our federal existence." Let us not suppose that we are beyond the calamities which have befallen other nations. Man is the same now as

he ever has been, subject to like passions and governed by the same impulses.

Republican Greece and Rome, as they increased in opulence and luxury, resigned themselves to those vices which they despised under the simplicity of their early institutions. Can we feel exempt from the effects of like influence? Have we not departed from the simplicity and purity of the early days of the republic? Are we not found, as the last of the fathers of the revolution are descending to their tombs, calculating the chances of our Union; and are we not endangered by the servile imitation of the customs of the old world? To arrest this devastation of republican feelings and principles, guard the education of the rising generation. Teach them in their earliest lessons of life, the great principles upon which their government was founded, and keep before their minds those scenes of our country, which are richest in harvest of American glory, and which have chiefly contributed to immortalize the American name.

His honor the Chief Justice will report for adoption at your present session, a revised code of laws, prepared agreeably to the instructions of your predecessors. I refer you, however, to his communication, which will be transmitted to you, for the reasons urged by him in support of an extension of the time originally allowed for the preparation of the report. In a work of so great magnitude as the digest of a code of laws for the government of a state, it is impossible for a single individual to complete the undertaking with that degree of perfection that would be satisfactory to himself or best promote the interests of the public. The shortest period ordinarily allowed for the completion of similar revisions, has been from two to four years. I would therefore recommend an extension of time in the present instance. The Chief Justice is, however, prepared with such a digest, as the necessary attention to his other duties, and his limited time for its preparation would allow, and asks your early decision on the subject.

Should you, however, proceed to the adoption of a code of laws at your present session, I may be permitted to suggest the importance of simplifying your judicial proceedings as far as may be practicable, and of clearly defining by statute all criminal

offences and their penalties. Every member of society, however humble, should comprehend what duties he is enjoined by the law to discharge, every act that he is prohibited from committing, the penalty for a violation of its injunctions, and the proceedings and forms by which he is to be adjudged.

That portion of your jurisprudence, which provides for the adjudication of private wrongs, is not perhaps so easily regulated. It may be considered impossible to embrace within the narrow precincts of your code all civil cases and their remedies; but approach it as nearly as possible. And in the progress of your labors on the subject, you should adopt the rule laid down by a distinguished and learned jurist, and sanction no theory, by whatever specious argument supported, until convinced of its practical utility; admit nothing upon the mere authority of a high name; make no unnecessary innovation, but boldly propose every change that may be necessary or useful.

Connected with the revision of the laws, no subject merits more seriously the attention of the legislator and philanthropist, than that of imprisonment for debt. The system is a time honored relic of barbarism, and has only been permitted to remain upon your statute book through the claims of its antiquity. The right of personal liberty makes so permanent a feature in the first principles of a free government, that its security should never be endangered, except on considerations of the highest magnitude. The fraudulent debtor, who is morally a criminal, should be made to feel the penalty of offended justice; but under your present system, the victim of misfortune is classed with the criminal and subject to the same indiscriminate punishment.

The test of experience has long since shown that imprisonment for debt as at present established in most of the states, has failed in its object. The fraudulent debtor escapes unpunished, while the poor but honest man alone feels the oppression of the system. Offer the creditor if necessary the most peremptory process against property, which is the legitimate object of the law; provide for the punishment of fraud; but protect inviolate the liberty of the unoffending citizen. If imprisonment for debt is abolished, you will soon find substituted in its stead wholesome and effectual collection laws; mutual confidence will become the guarantee of

trade, and our country will be relieved from one of the darkest stains upon its character.

The age in which we live is said to be the harbinger of improvement in our moral and social relations. We are engaged in efforts for bettering the condition of man in other climes ; we are wailing over the lost liberties of a race exclusively within the control of others, and yet forget that at our own threshold rests the ready instrument of injustice and oppression.

It may be said that the moral sense of the public will protect the unfortunate debtor from oppression. Will you accept this guarantee and cease all efforts of philanthropy, which the present day is making ? Trust not frail mortality with discretionary power over the liberties of his fellow man, for the lessons of life teach us that the moral sense of the community is sometimes a false security for misfortune. Your system of imprisonment for debt may be considered to be at war with the spirit of a free government ; and I would therefore recommend its total abolition. Blot it from your code of laws, and enable Michigan to commence her career as a state of the confederacy, the advocate and supporter of a liberal and enlightened legislation.

I find by reference to the notices of applications to be made to you for legislation at your present session, that you will be called upon to legislate extensively upon applications for bank charters. This subject involves the currency of the country, and cannot be regarded with too much interest and care. The question involved in all legislation upon this subject is one of simple expediency, and the responsibilities involved, in a great measure rest upon the legislature. The executive officer, strictly construing his veto power, should confine its exercise to constitutional questions, unless it be in flagrant cases where facts come before him which have been withheld from the knowledge of the legislature. Questions of expediency as a general rule should be left to the immediate representatives of the people. The country, it is true, is laboring at present under an unprecedented pressure in the money market. But it is a mistaken idea that extensive issues of bank paper will remove this evil. Banks are rather the effect than the cause of the prosperity of a state. They may afford facilities in trade, but they are not the foundation of the public

wealth. The wealth of the state has a deeper source ; it springs from the agricultural industry of the country ; it emanates from the labor of the people. The cause of the existing pressure does not arise so much from the want of banking capital in the country, as from an unnatural state of trade, produced by the wild and reckless spirit of speculation which has overrun the land, and has withdrawn capital from its usual channel. This capital must return to the channels where it properly belongs, before entire relief to the community can be experienced ; and as it is generally invested in real estate, this return will be found to be gradual in its operations. A wise and prudent economy, accompanied by a cessation from extravagant speculations, can alone restore a proper tone of trade, and relieve the embarrassments of the country. Without this, a multiplication of banks and bank paper will but increase the evil.

In relation to the applications which you may deem proper to grant, I would respectfully suggest the utmost caution in framing your charters, so that the public may be protected from the losses inevitably to be occasioned by a depreciated circulating medium. We have before us a striking instance of the consequences of incautious legislation on this subject. We see a railroad company, chartered for a special purpose, issuing evidences of debt in the shape of bank paper, contrary to the evident intent of the legislature, but by virtue of a charter negligently guarded. The effects of this legislation are, that the country may be flooded with a paper which carries with it no assurances of redemption at the will of the holder, and the tendency of which is to depreciate abroad the whole circulating medium of the state. I allude to the notes of the River Raisin and Lake Erie railroad company, and without any disposition to reflect on the high character and standing of its present directors, I leave it to the legislature, if they possess such a power, to take the subject in hand and provide a remedy for the evil. My objections are not to men ; they are directed against the powers and privileges assumed, and at present exercised by the company.

Whilst legislating on this subject, we must recollect that bank notes are not money, but merely its representative. Gold and silver are the basis of our currency, and when your bank notes

are not convertible into this medium at the will of the holder, they must depreciate in value. Without the ability of the banks to redeem their notes at the pleasure of the holder, and the power with the state to compel it, or to stop their circulation, your circulating medium must be inevitably a bad one. No confidence in the ultimate solvency of the institution, will prevent the depreciation of its paper, where this ability with the bank power on the part of the state do not exist. It is not alone sufficient that the confidence in your banks should exist at home, it must exist abroad, and their paper must answer the purposes of exchanges with other states. Your merchant, in his commercial relations with New York, or elsewhere, must be enabled to use the paper of your state banks, or be able, if necessary, to convert it readily into the circulating medium of the state to which it is sent. Every guard should therefore be thrown around your bank charters, which may have a tendency to satisfy the public mind of the solvency of the institutions and of their ability to redeem their paper at the will of the holder.

Gold and silver being the basis of your currency, it is important to keep within the state, as far as may be practicable, an extensive metallic circulating medium. It is impossible, and perhaps not to be desired, that a metallic circulating medium should be altogether substituted for bank paper. The measure, however, should be at least partially carried into effect, so as to prevent a constant fluctuation in the value of bank notes, which are the representative of metallic currency, and which will rise and fall in value in proportion to the scarcity or abundance of the precious metals. With this consideration in view, I submit to you the policy of prohibiting the circulation of bank notes of a less denomination than five dollars. The tendency of such a measure would be to withdraw from the circulating medium of the country the small notes with which it is now cloyed, and substitute in their stead a substantial metallic currency possessing an intrinsic value.

The recent pecuniary embarrassments of the country have produced strong reasons to doubt the wisdom and policy of our existing usury laws. The interference of the government between citizen and citizen, dictating the rate of interest at which one



shall lend and the other borrow money, can but be regarded as an unnecessary and needless restraint upon the freedom of trade. The rates of the money market, like all others, should be left to the regulation of the existing demand. As well might the government regulate and restrain the prices upon the produce of agriculture, or the labor of the mechanic, as the rate of interest upon the loans of the capitalist. Remove all needless restraints upon the freedom of trade, and the value of money, like the value of every other article connected with the commercial relations of the country, will sink to the level created by the demand or supplies of the market.

But what are the practical effects of your usury laws? You have but to look upon the passing events of the day to satisfy your minds that they are constantly and readily violated and avoided. The only consequence of their existence is that they increase the demand for money and consequently the rate of interest, by the exclusion of foreign capital from the state; for no individual will send his capital where the rate of legal interest is limited, when he may invest it in loans to greater advantage elsewhere. Through such restraints, instead of protecting the citizen, you place him at the mercy of the usurer, by destroying the competition which would be created in the money market by the introduction of foreign capital. No political axiom is more sound, than that competition is the best and only true regulator of trade. I think then a limited investigation of the subject will satisfy you that the existing laws regulating the rate of interest upon individual contracts, are not only unnecessary but injurious to the public prosperity.

It again becomes my duty to call the attention of the legislature to the absolute importance of erecting without delay a penitentiary adequate to the necessities of society. This institution should be at once located; funds should be provided for the construction of the necessary buildings, and a superintendent should be appointed to take charge of the work. The system for its government should be carefully matured. The legitimate intention of the law in the restraint of personal liberty, is the reforma-

tion of the offender, and the salutary warning which his fate may afford to others.

To meet this object of the law is the great utility of a penitentiary system, under judicious and salutary regulations. Punishment should never be more severe than is necessary for the correction of the offences to which they are applied, and it is therefore important that different modes of treatment should be adopted for different grades of offences. The minor offender should be separate from those of a higher degree of guilt, for an indiscriminate intercourse between the prisoners, will not fail to reduce the whole in moral principle to the same standard with the most abandoned. Solitary confinement must be adopted with all who are convicted of offences of a grave and heinous character; every effort should be exerted to elevate the morals and principles of the convict; the ignorant amongst the younger class should be taught the rudiments of a common education, and all classes should be required to adopt some useful trade. By these means the philanthropic intentions of the law may possibly be carried into effect, and crime be in a measure disarmed of its numerous allies in the unreformed offenders, who are annually discharged from our state prisons.

Complaints are frequently made of the difficulties attending the execution of criminal process, from the indisposition of ministerial officers to discharge those duties with the uncertain and limited compensation which is now provided by law. The duties of those officers in criminal cases, are of the most arduous character; and I would respectfully suggest such an amendment of the law, as will secure them a fair and adequate compensation for the services rendered.

Among the many objects entitled to your consideration, I submit the importance of ordering at as early a day as practicable a geological survey of the state. There can be no doubt that Michigan abounds in minerals of the richest quality, and it can only be through the means of geology, that this source of our wealth can be fully developed. As yet the situations in which are to be found our metallic ores, beds of coal, gypsum, granite, limestone and other valuable minerals, are in a great measure concealed. A geological survey will bring them to light.

It will also afford the agriculturists a knowledge of their soils and assist them in correcting those which possess an undue proportion of mineral elements unfavorable to agriculture ; it will enable us to supply our own market with important articles of commerce and trade, and will in the end furnish us resources which must constitute an important part of the permanent wealth of the state. The unexpected and valuable results which have been obtained by other states from their recent geological surveys, when considered, will, I feel confident, secure to the subject that attention which its importance demands.

The third section of the fourth article of the constitution, makes it the duty of the legislature to provide for an enumeration of the inhabitants of the state during the present year ; and it further provides that after such enumeration, the legislature shall apportion anew the representatives and senators among the several counties and districts, according to the number of their white population. The necessary measures for this enumeration should be provided at your present session, so as to enable the proper officers to make their returns at an early day previous to an adjourned session, which must be held for the purpose of making the apportionment of representation, according to the provisions of the constitution.

The experience of each additional day urges the importance of a removal of the northwestern Indians to some quarter, where they will be no longer molested by the encroachments of the whites. The policy of the federal government has heretofore been to locate them in a district of country south of the Missouri, set apart for their uses, and secured to them upon the faith of the nation. The utmost exertions of the Indian department have not however been able to induce the tribes of our own immediate region to consent to an acceptance of this location. This unwillingness on their part to emigrate to a southern climate, seems to be the only obstacle to a negociation, by which Michigan might be relieved from their occupancy of a valuable portion of her soil, and a negociation likewise which in its results would effectually protect the rights of the Indians themselves, and preserve from extinction the comparatively small remnant of a people, which the hand of degeneracy has yet spared.

It is ascertained, however, that the entire removal of the tribes within our own limits, and in all probability those of Wisconsin, might be easily secured, were they permitted to emigrate to a country of a more northern latitude than the one heretofore designated by the government as their future abode. With the object of their emigration in view, the district of country north of the Falls of St. Anthony has attracted the attention of the Indians, and it is believed that if the United States would permit this change in their destination, no obstacle would remain to obtaining their speedy removal. That northern region possesses many recommendations over the south, to the Indian of our latitude. The climate is more congenial to his habits and approaches in character more nearly to that which he is compelled to abandon. It is likewise no small consideration with him, that he will be placed as it were in the midst of kindred tribes, when compared with those who occupy the southern country. With the federal government itself, there are also considerations connected with this subject which should not be overlooked. The concentration at one point of the numerous Indian tribes that will undoubtedly be sooner or later removed from their present locations, is placing the frontiers of Arkansas and Missouri within the very grasp of a power where hostility to the whites must be constantly breaking forth. Their contiguity to each other, will enable them at any time and with a short notice to strike a fatal blow at the southwest, before the federal government can be prepared to resist it. With these views of the subject, I cannot hesitate to recommend that you memorialize the congress of the United States at their present session, placing before them all the considerations which should induce an acquiescence in the prejudices and feelings of the northwestern Indians, by setting apart a district of country north of the Falls of St. Anthony, to which they may be readily removed.

I deem it my duty to call your attention to the necessity of a more efficient organization of the militia of the state. Our militia system, as it is now permitted to remain, is worse than valueless, and indeed is but a mockery upon the design of the framers of the law. Too little importance is generally attached to this branch of our state polity. The genius of our institutions will not permit a reliance

upon the permanent existence of a large standing army. In the event of war, our government must look for the armor of her defence in the ready action of a brave and disciplined militia. We cannot expect to be forever exempt from the perils and calamities of war. Our country has met them heretofore, and may experience them again, and the lessons of the early campaigns of our last struggle with Great Britain, teach us what sacrifices of blood and treasure the want of discipline in an army must cost us when brought into the active field.

The first essential feature in the improvement of your system must be to secure perfect discipline, and complete drills amongst the officers. If your officers understand their duties, they can soon exert a favorable influence over their men. You must then by law require your commissioned and non-commissioned company officers to be frequently and thoroughly drilled; and for the purpose of securing their attention to this duty, pay them a fair compensation for the time thus withdrawn from their private pursuits. With this attention to the character and qualifications of the officers, you cannot fail soon to possess a well disciplined militia; without it, the attempt to an organization might as well be abandoned.

In conclusion, fellow-citizens, permit me to invoke union and harmony in your councils. Let me entreat you to banish from your deliberations all party spirit and sectional feelings; and to exert your whole efforts for the honor and welfare of your constituents. Sensible as I am of the importance of despatch in the discharge of the multifarious duties committed to your charge, and satisfied of the inconveniences resulting from a prolonged session of the legislature, it only remains for me to assure you of the fidelity and alacrity with which I shall co-operate with you in the accomplishment of every measure conducive to the happiness and prosperity of the people of Michigan.

STEVENS T. MASON.

*Detroit, January 2, 1837.*

After the delivery of the message,

On motion of Mr. Davis, (of the Senate,)

The convention then adjourned.

## HOUSE OF REPRESENTATIVES.

On motion of Mr. Lothrop, of Kalamazoo,

*Resolved*, That two thousand copies of the Governor's message be printed in English, and five hundred copies in the French language, for the use of the House.

On motion,

Adjourned until to-morrow at ten o'clock, A. M.

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*Tuesday, January 3.*

The roll being called, the journal of the preceding day was read.

Mr. Wisner, of Oakland, announced the presence of his colleague, Mr. Henry R. Foote, who, after being duly qualified, took his seat.

Mr. Felch, of Monroe, announced the presence of his colleague, Mr. Lemuel Colbath, who, after being duly qualified, took his seat.

On motion of Mr. Convis, of Calhoun,

*Resolved*, That the rules adopted for the government of the House of Representatives, at the last session, be temporarily adopted as the rules of this House.

Mr. Lothrop, from the special committee on elections, made the following report :

REPORT.

Your committee have had under consideration the petition of Joseph Smith, of the county of Cass, claiming a seat in this House as being duly elected a member from said county, instead of James Odell. From documents laid before the committee, the following facts appear to be fully established. That in Cass county proper, James Odell received two hundred and sixty votes, and Joseph Smith received two hundred and thirteen votes, which votes were duly returned and canvassed by the board of county canvassers.

In the township of La Fayette, county of Van Buren, attached to the county of Cass for judicial purposes, James Odell received one vote, and Joseph Smith received sixty-eight votes, which votes were not received at the office of the county clerk of Cass.

county, until the 18th of November, 1836, eight days after the official canvass of said county.

It then appears that Mr. Odell received by the official canvass of Cass county proper, forty-seven votes majority over Mr. Smith; but by adding to each the votes which they received in the township of La Fayette, Mr. Smith has a majority over Mr. Odell of twenty votes.

The question now before the House is, shall Joseph Smith be deprived of the votes given him for a member of the House of Representatives in the township of La Fayette, because the returns from said township were not made in due time, according to law.

In order that the whole subject may be fully before the House, the committee beg leave to offer the following resolutions:

*Resolved by the House of Representatives,* That the seat now held by James Odell be, and the same is hereby, vacated.

2. *Resolved,* That Joseph Smith is entitled to a seat in this House as a representative from the county of Cass, and the county attached thereto for judicial purposes.

On motion of Mr. Lothrop, after the reading of the report, Mr. Joseph Smith, of Cass, was permitted the privilege of taking his seat and debating.

Mr. Lothrop also moved the adoption of the first resolution embraced in said report, which motion was decided by yeas and nays in the affirmative, as follows:

#### YEAS.

Mr. Whipple,  
Mr. Munger,  
Mr. Smith,  
Mr. Martin,  
Mr. Brown,  
Mr. Thayer,  
Mr. Farrington,  
Mr. Herrington,  
Mr. Howe,  
Mr. Kellogg,  
Mr. Shattuck,  
Mr. Lee,  
Mr. Bingham,  
Mr. Kingsley,

Mr. Purdy,  
Mr. Felch,  
Mr. Wing,  
Mr. Foote,  
Mr. Colbath,  
Mr. Farrington,  
Mr. Burbank,  
Mr. Yerkes,  
Mr. Wisner,  
Mr. Butler,  
Mr. Finch.  
Mr. Ballard,  
Mr. Cressy,  
Mr. Calkin,

Mr. Monfore,  
Mr. Gilbert,  
Mr. Shellhouse,  
Mr. Burke,  
Mr. Eldred,  
Mr. Lothrop,  
Mr. Ralph,  
Mr. Ward,  
Mr. Ely,  
Mr. Convis,  
Mr. Cornell,  
Mr. McKeen,  
Mr. Moseley,  
Mr. King,

## NAYS.

Mr. Phillips,

Mr. McGaffey,

2

Mr. Lothrop also moved the adoption of the second resolution, which was agreed to, and on his motion the following resolution was adopted :

*Resolved by the House of Representatives*, That James Odell, whose seat in this House has been vacated, is entitled to his pay in coming to and going from the seat of government, and to his per diem allowance for the time he has occupied a seat in this House, and that the clerk be directed to make out and deliver a certificate of the same, which certificate shall be sufficient evidence to the Auditor General to issue his warrant.

Mr. Convis, of Calhoun, announced the presence of Mr. John Almy, of Kent county, who, after being duly qualified, took his seat.

Mr. Joseph Smith, of Cass county, after being duly qualified, took his seat.

The following communication, with accompanying documents, was received from the Executive by his private secretary.

*To the House of Representatives :*

I submit for the consideration of the House of Representatives, the following documents, viz :

A communication from the President of the Detroit and St. Joseph railroad company.

A communication from the St. Clair and Romeo railroad company.

A communication from the Chief Justice of the state, and the reports of the Auditor General and Treasurer for the year 1836.

STEVENS T. MASON.

(See Documents Nos. 1, 2, 3, 4, 5.)

The above communication was, after being read, ordered to be laid upon the table.

The Speaker presented the following communication from Marshall J. Bacon, Bank Commissioner, with the accompanying report ; which was read, laid upon the table, and five hundred copies ordered to be printed.



*To the Hon. the SPEAKER of the House of Representatives  
of the Legislature of the State of Michigan :*

SIR—Being required by the law creating my office to report annually to the legislature, I have deemed the popular branch of that body the proper body to whom to communicate my report, and have the honor herewith to transmit the same.

I am your obedient servant,

MARSHALL J. BACON,

The Bank Commissioner of the State of Michigan.

Jan. 2d, 1837.

(See Document No. 6.)

On motion of Mr. Lothrop, of Kalamazoo,

*Resolved by the House of Representatives,* That the select committee on elections have full powers to send for persons and papers, examine witnesses and take testimony in the case of the contested election in the county of St. Clair.

Mr. Purdy, of Washtenaw, offered the following resolution :

*Resolved,* That the clerk of the House of Representatives be, and he is hereby, directed to furnish at the expense of the state to each member of the House of Representatives, such newspapers as they may respectively direct, not exceeding one daily paper.

Mr. Ward, of Berrien, moved to amend the same by striking out the word "one" in the last line and substitute "two" in lieu thereof.

The question being upon striking out, Mr. Convis called for a division, when it was carried.

On motion of Mr. Lothrop, the resolution and amendment were laid upon the table.

On motion of Mr. Convis, of Calhoun,

*Resolved,* That a committee of five members be appointed to revise and report to this House standing rules for the regulation and government of its proceedings.

The Chair announced Messrs. Convis, Wing, Kingsley, Haskins and Shellhouse, as said committee.

On motion of Mr. Ely, of Allegan, Messrs. E. J. Roberts and John S. Heath, of the county of St. Clair, were permitted to take seats in the House, with the privilege of speaking, but not of vot-

ing, until the House shall have decided upon the merits of their respective claims.

Mr. Felch gave notice that he should, on a future day, ask leave to introduce a bill to annex the county of Monroe to the first judicial circuit, for certain purposes.

On motion of Mr. Purdy, of Washtenaw,

*Resolved*, That John S. Bagg, Esq., editor of the Democratic Free Press, be appointed printer to the House of Representatives.

On motion of Mr. Convis, of Calhoun,

*Resolved*, That the House adjourn until ten o'clock, A. M., tomorrow, and that that be the standing hour of adjournment, unless otherwise ordered.

On motion,  
adjourned.

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*Wednesday, January 4, 1837.*

The roll being called, the journal of the preceding day was read.

The following petitions were presented and severally read and laid upon the table.

By Mr. Convis, of Calhoun,

A petition from Joseph Sibley and others, for the construction of a dam.

By Mr. Lee, of Washtenaw,

A petition from James Phillips and others, for the construction of a road.

By Mr. Ward, of Berrien,

A petition from Robert Wilson and others, inhabitants of the county of Berrien, for the incorporation of a bank.

On motion of Mr. Convis, of Calhoun,

The House proceeded to the election of a speaker, when Charles W. Whipple, of Wayne, was unanimously elected.

The Chair announced Messrs. Lothrop and Ward, to conduct the Speaker elect to the chair.

On motion of Mr. Lothrop, of Kalamazoo,

The House proceeded to the election of a clerk, when Anthony Ten Eyck, of Wayne, was unanimously elected.

On motion of Mr. Convis,

The House proceeded to the election of a recording clerk, when Albert Chandler was unanimously elected.

On motion,

The House proceeded to the election of an enrolling and engrossing clerk, when David M. Price was unanimously elected.

On motion,

The House proceeded to the election of sergeant-at-arms, when James Houston was unanimously elected.

On motion,

The House proceeded to the election of a door-keeper, when Darius Jackson was unanimously elected.

On motion of Mr. Alden,

*Resolved*, That the Speaker appoint the messenger to this House, and such assistants as may be deemed necessary.

A message was received from the Senate, transmitting a resolution for the concurrence of the House, relative to the joint rules of both Houses, which, after being read, was concurred in.

Mr. Convis, from the select committee to whom it was referred to revise and report rules for the regulation and government of the House, reported the following :

1. The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order and the roll of the members called.

2. Upon the appearance of a quorum, the minutes of the preceding day shall be read by the clerk, to the end that any mistake therein may be corrected by the House.

3. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House.

4. The Speaker shall vote on all questions.

5. When the House adjourns, the members shall keep their seats until the Speaker announces the adjournment.

6. Every member previous to his speaking shall rise from his seat and address himself to the Speaker.

7. When two or more members rise at once, the Speaker shall designate the member who is first to speak.

8. No member shall speak more than twice to the same question without leave of the House, nor more than once until every member who chooses to speak shall have spoken.

9. No motion shall be debated or put, unless the same be seconded; when a motion is seconded, it shall be stated by the Speaker before debate, and every such motion shall be reduced to writing, if the Speaker or any member desire it.

10. After a motion is stated by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment.

11. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend, or for the previous question; which several motions shall have precedence in the order they stand arranged.

12. A motion to adjourn shall be always in order, and shall be decided without debate.

13. The previous question, until it is decided, shall preclude all amendment and debate of the main question, and shall be in this form—"shall the main question be now put?"

14. No member shall speak more than once without leave upon the previous question.

15. A motion for commitment, until it is decided, shall preclude all amendment of the main question.

16. Every order, resolution and vote, to which the concurrence of the Senate shall be necessary, shall be read to the House and laid upon the table on a day preceding that in which the same be moved, unless the House otherwise allow.

17. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

18. Every member who shall be present when a question is stated from the chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.

19. While the Speaker is putting a question, no member shall walk out of or across the house, nor when a member is speaking

shall any person entertain any private discourse, or pass between him and the Chair.

20. A member called to order, shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to.

21. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee, and one day's notice at least shall be given of a motion to bring in a bill, unless three-fourths of the members present shall vote in favor of its being brought in without such previous notice.

22. Every bill shall receive three several readings previous to its being passed; and the second and third reading shall be on different days, and the third reading shall be on a day subsequent to that in which it has passed a committee of the whole House, unless the House by the vote of three-fourths of the members present shall direct otherwise.

23. No bill shall be committed or amended unless it has been twice read.

24. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman shall be appointed to preside.

25. Bills committed to a committee of the whole House, shall be first read through by the clerk, and then read and debated by clauses, leaving the preamble to be last considered; all amendments shall be entered on a separate piece of paper, and so reported to the House by the chairman, standing in his place; after the report, the bill shall be subject to debate and amendment before the question to engross it be taken.

26. All questions, whether in committee or in the House, shall be put in the order they were moved, except that in filling up blanks the largest sum and the longest time shall be first put.

27. A similar mode of proceeding shall be observed with bills which have originated in and have passed the Senate as with bills originating in the House.

28. When a bill passes the House, the Speaker shall certify the same with the date thereof at the foot of the bill.

29. Upon a division either in the House or in committee of the whole House, the names of those who vote for, and those who vote against the question, shall be entered upon the minutes if any members require it.

30. In all divisions to be taken in this House, it shall be the duty of the clerk, to enter on the minutes the name of the member calling for a division, and the name of the member who shall second such call.

31. The order of the day shall have the preference to any motion before the House.

32. A motion that the chairman leave the chair shall always be in order, and shall take place of any other motion.

33. In the absence of a quorum, the Speaker may adjourn the House until the next sitting day ; or if in committee of the whole, the committee may rise and report progress.

34. No motion for reconsideration shall be in order, unless on the same day or day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed, nor shall any subject be a second time reconsidered without unanimous consent.

35. The rules of the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking.

36. A motion that the committee rise shall always be in order, and shall be decided without debate.

37. The following standing committees shall be appointed at the commencement of each session, until otherwise ordered :

A Committee of Ways and Means ; a Committee on the Judiciary ; a Committee on Education ; a Committee on Internal Improvement ; a Committee on Agriculture and Manufactures ; a Committee on Claims ; a Committee on Accounts ; a Committee on Militia ; a Committee on Elections ; a Committee on Banks and Incorporations ; a Committee on University and School Lands ; a Committee on Organization of Townships and Counties ; a Committee on Expenditures ; a Committee on Printing ; a Committee on Enrolment ; a Committee on State Prisons ; a

Committee on Expiring Laws and what new laws they conceive necessary ; a Committee on Roads and Bridges ; a Committee on Indian Affairs ; a Committee on Unfinished Business ; which several committees shall consist of seven members.

A Committee on the Library, to consist of three members.

38. Select committees, to whom reference shall be made, shall in all cases report a state of facts and their opinion thereon to the House.

39. That in all cases where a bill, orders, resolutions or motions, shall be entered on the journals of this House, the name of the member moving the same shall also be entered on the journals.

40. No person, unless introduced by a member, shall be admitted within the bar of the House ; but the Executive, members of the Senate, the heads of departments of the state government, judges of the Supreme Court, members of Congress, and such other persons as the Speaker shall on application assign places as stenographers.

41. Every message from the honorable the Senate, communicating any bill for the concurrence of this House, shall, after the second reading of the said bill, be referred to a select or standing committee (as shall be assigned by the Speaker,) with the accompanying documents (if any) to consider and report thereon.

42. The Speaker shall cause the clerk of this House to make a list of all bills, resolutions, reports of committees, and other proceedings in this House, which are committed to a committee of the whole House, and which are not made the order of the day for any particular day ; which list shall be called "the general order of the day."

43. On the meeting of the House, and after reading the journal of the preceding day, the order of business shall be as follows : 1st. Presentation of petitions and memorials. 2d. Reports of standing and select committees. 3d. Resolutions. 4th. General order of the day.

44. When the House have proceeded "to the general orders of the day," no other business shall be in order until the House

have disposed of the same, by laying them upon the table, or by postponing them until the next day.

45. No rule of this House shall be altered or suspended without the concurrence of two-thirds of the members present.

46. Upon a call of the House, the names of the members shall be called by the clerk, and the absentees noted; but no excuse shall be made until the House be fully called over; then the absentees shall be called over a second time, and if still absent, excuses are to be heard; and if no excuse, or insufficient excuse be made, the absentees may, by order of those present, if there are fifteen members present, be taken into custody wherever to be found, by the sergeant-at-arms or the Speaker, messenger or messengers of the House.

47. The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

Mr. Lothrop moved to amend the fourth rule, by adding the following: "taken by yeas and nays in all elections, or division called for by any member;" which was concurred in.

The report of the select committee was then concurred in.

On motion of Mr. Convis,

*Resolved*, That the Clerk cause one hundred copies of the rules of this House to be printed in pamphlet form for the use of this House.

The following communication from the Senate was received through their Secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit for the concurrence of the House of Representatives, a joint resolution relative to the printing of both houses, and inform the House that in pursuance of said resolution, Messrs. McDonell and Ellis have been appointed the committee on the part of the Senate.

The resolution from the Senate, relative to the printing of both houses, was taken up and concurred in. The Chair announced Messrs. Ward and Bingham as said committee on the part of the House.

Mr. McGaffey called up the resolution laid upon the table



yesterday, relative to instructing the clerk to furnish the members with newspapers.

The question being on the adoption of the amendment, to strike out the word "one," and insert "two" in lieu thereof, it was concurred in.

The resolution as amended was then adopted.

Mr. Ely, of Allegan, laid on the table the following resolution:

*Resolved*, That the Speaker appoint a committee of two members of this House to wait upon the clergy of the different denominations of Christians in this city, and request them in rotation to open the session each day by prayer.

On motion of Mr. Monfore,

*Resolved*, That the clerk of this House be required (if in his power so to do) to furnish each member of this House with a copy of the laws of the last session.

Mr. Alden offered the following resolution, which, after being read, was laid upon the table:

*Resolved*, That the clerk be directed to cause to be printed, in connexion with the rules of this House, a manual, embracing the constitution of this state, rules of the Senate, joint rules of the Senate and House of Representatives, and the other subjects embraced in the manual of the last legislature.

On motion of Mr. Lothrop, of Kalamazoo,

Mr. Whipple, of Wayne, was excused from serving on the special committee on elections, and Mr. Butler was appointed to fill said vacancy.

On motion, adjourned.

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*Thursday, January 5.*

The roll being called, the journal of the previous day was read.

The Chairman announced the following standing committees:

*Committee of Ways and Means.*—Messrs. Convis, Eldred, Purdy, Ralph, Mosely, Wisner, Levake.

*Judiciary.*—Messrs. Kingsley, Wing, Felch, Butler, Bingham, McGaffey, King.

*Elections.*—Messrs. Butler, McKeen, Monfore, Joseph Smith, Shellhouse, Thayer, Ely.

*Expenditures.*—Messrs. O. Howe, Colbath, Brown, Burbank, Ballard, Burke, Phillips.

*Banks and Incorporations.*—Messrs. Lothrop, Ward, McKeen, Brown, Finch, Calkin, Kellogg.

*Unfinished Business.*—Messrs. Felch, Ferrington, Gilbert, Job Smith, Yerkes, Haskins.

*Claims.*—Messrs. Lee, Farrington, Shattuck, Foote, Cornell, Cressey, Shellhouse.

*Accounts.*—Messrs. Bingham, Martin, Munger, Purdy, Monfore, Finch, Phillips.

*Agriculture and Manufactures.*—Messrs. Eldred, Colbath, Cornell, Howe, Haskins, Herrington, Joseph Smith.

*Indian Affairs.*—Messrs. Mosely, King, Lee, Levake, Wisner, Shellhouse, Yerkes.

*Militia.*—Messrs. Wing, Herrington, Cressey, Almy, Thayer, Convis, Martin.

*Internal Improvement.*—Messrs. Ely, Almy, Kellogg, Shattuck, Job Smith, Farrington, Calkin.

*Expiration of Laws, &c.*—Messrs. McGaffey, Foote, Gilbert, Job Smith, Munger, Ballard, Burke.

*Enrolment.*—Messrs. Felch, Alden, Burbank, Lothrop, Mosely, Wisner, Monfore.

*Education.*—Messrs. Alden, Ferrington, McGaffey, Kingsley, Cressey, Lee, Wing.

*University and School Lands.*—Messrs. Ward, Almy, Ralph, Herrington, Mosely, Ferrington, Gilbert.

*Roads and Bridges.*—Messrs. Almy, Munger, Shellhouse, Burbank, Burke, Ballard, Colbath.

*Organization of Towns and Counties.*—Messrs. Cressey, Martin, Farrington, Haskins, McKeen, Gilbert, Joseph Smith.

The following petitions were presented and severally referred.

By Mr. Convis,

Of Sands M. Camley and others, to authorize the Detroit and St. Joseph railroad company to use the Chicago road where it is necessary for the purposes of the railroad. Referred to the committee on internal improvement.

By Mr. Kingsley,

Of Lyman Knight, to authorize him to sell certain real estate. Referred to committee on judiciary.

By Mr. Alden,

Of sundry inhabitants of Coldwater, Branch county, praying for an act of incorporation for the village of Coldwater. Referred to committee on banks and incorporations.

Also, of sundry inhabitants of Branch county, praying for a law incorporating a bank to be located in the village of Coldwater. Referred to committee on banks and incorporations.

By Mr. Bingham,

Of James G. Rumsey and others, for the organization of the township of Burlington. Referred to the committee on the organization of towns and counties.

By Mr. Almy,

Of sundry inhabitants of Kent county, for the incorporation of a bank to be located at the Rapids of Grand river. Referred to committee on banks and incorporations.

By Mr. Roberts,

Of the president, directors and company of the St. Clair and Romeo railroad company, praying for an alteration of their charter. Referred to committee on internal improvements.

By Mr. McKeen,

Of Ralph Wadhams and others, for an act of incorporation to facilitate the early completion of the contemplated railroad from the mouth of Black river to a point on Lake Michigan. Referred to committee on internal improvements.

By Mr. Felch,

Of sundry inhabitants of Monroe county, praying to annex the county of Monroe to the first judicial circuit. Referred to committee on judiciary.

Also, of Samuel A. Bartlett, praying compensation for services performed in the militia in 1835. Referred to committee on claims.

By Mr. Wing,

Of Chauncey Owen and others, for power to convey certain lands. Referred to committee on judiciary.

By Mr. McGaffey,

Of Aurora A. Gilbert, praying for an act for her benefit. Referred to committee on the judiciary.

Also, of sundry inhabitants of St. Joseph county, praying for commissioners to review the line of a certain road from Center-ville to the Three Rivers. Referred to committee on roads and bridges.

By Mr. Ralph,

Of sundry inhabitants of the township of Allen, Hillsdale county, praying the legislature to set off certain townships, &c. Referred to committee on the organization of towns and counties.

By Mr. Ward,

Of sundry inhabitants of Niles, Berrien county, for an act authorizing the removal of the seat of justice of Berrien county from St. Joseph to Berrien. Said petition was read and laid upon the table.

By Mr. Almy,

Of Edward Emerson and others, praying the appointment of commissioners to make surveys and estimates for a railroad from Pontiac to the junction of the Maple and Grand rivers. Referred to committee on internal improvements.

By Mr. Lee,

Of sundry inhabitants of Ingham county, praying for the organization of certain townships. Referred to committee on organization of towns and counties.

Also, of sundry inhabitants of Washtenaw, Livingston, Ingham and Ionia counties, praying for a state road from Dexter to the mouth of Maple river. Referred to committee on roads and bridges.

By Mr. Butler,

Of sundry inhabitants of Lenawee county, praying for commissioners to be appointed to lay out a state road from the village of Adrian, to intersect the Chicago road. Referred to committee on roads and bridges.

By Mr. Mosely,

Of sundry inhabitants of Wayne and Oakland counties, praying a charter for a turnpike company. Referred to committee on banks and incorporations.

By Mr. Alden,

Of Robert Wood and others, praying that township No. 5, south of range No. 5 west, be attached to the township of Quincy. Referred to committee on the organization of towns and counties.

By Mr. Cressey,

Of sundry inhabitants of Lenawee and Washtenaw counties, praying that a company may be incorporated for the construction of a canal or railroad from Gibraltar in Wayne county, to Clinton, Lenawee county, with a charter for a bank. Referred to committee on banks and incorporations.

By the Speaker,

Of sundry prisoners in Detroit jail. Referred to committee on judiciary.

Also, of John Goodrich for compensation for certain services. Referred to committee on claims.

Also, of sundry inhabitants of Clinton county, praying for the removal of the county site of said county. Referred to committee on organization of towns and counties.

The Speaker presented the following report of the Superintendent of Public Instruction, which was referred to the committee on education.

(See Document No. 7.)

On motion of Mr. Convis,

*Resolved*, That two thousand copies of the report of the Superintendent of Public Instruction be printed in pamphlet form, for the use of the members of the House.

Mr. Ely presented certain certificates of the election of Jeremiah R. Smith, from the counties of Genesee, Shiawassee and Saginaw, which, after being read, were referred to the committee on elections.

On motion of Mr. Wisner,

Jeremiah R. Smith was allowed a seat in this House, with the privilege of speaking, but not of voting.

On motion of Mr. Howe,

*Resolved*, That no article shall be purchased for the use of the House of Representatives, without the written order of the committee on expenditures or of the House.

On motion of Mr. Convis,

*Resolved*, That so much of the Governor's Message as relates to the River Raisin and Lake Erie railroad company be referred to a select committee, to consist of nine members, and that they have authority to send for persons and papers to investigate the conduct and proceedings of the officers of that institution, and report to this House.

The Chair announced the following as said committee.

Messrs. Convis, Ward, Felch, Kingsley, Bingham, Kellogg, Eldred, Haskins and Calkin.

Mr. Ely asked and obtained leave to withdraw the resolution relative to opening the House with prayer, offered by him yesterday.

On motion of Mr. Ward,

The petition of sundry inhabitants of Berrien county, praying for an act incorporating the Bank of Niles, was taken up and referred to the committee on banks and incorporations.

Mr. Mosely gave notice that on a future day he would ask leave to introduce a bill to incorporate the stockholders of the Bank of the city of Saginaw.

Also, that he would on a future day ask leave to introduce a bill to incorporate a company to be called the Shiawassee navigation company, with power to improve the navigation of the Shiawassee river by slack water navigation.

Mr. Wisner gave notice that on a future day he would ask leave to introduce a bill to incorporate the Pontiac and Huron river canal company, with a capital of \$100,000.

Mr. Finch gave notice that at some future day he would ask leave to bring in a bill making all judgments rendered before justices of the peace over \$20, recorded in the register's office of the county wherein said judgment is rendered, a lien upon real estate.

Also, that at some future day he would ask leave to bring in a bill to incorporate a Mutual fire insurance company, to be located in the village of Adrian, Lenawee county.

Mr. Smith, of Cass, gave notice that he would on some future day ask leave to introduce a bill to legalize the returns of an election held in Lenawee county, in Van Buren county, on

the seventh and eighth days of November last ; also a bill to set off and organize the county of Van Buren.

Mr. Wisner, of Oakland, moved to suspend the thirty-fourth rule, and offered the following resolution :

*Resolved*, That the vote taken by this House, confirming the seat of Mr. Smith, of Cass county, as the legal representative of said county, be reconsidered.

The question being upon the suspension of the thirty-fourth rule, it was negatived.

Mr. Lothrop moved to suspend the sixteenth rule, for the purpose of introducing the following resolution, which was agreed to.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That John Norton, jr., cashier of the Michigan state bank be; and he is hereby, appointed fiscal agent to this legislature.

Said resolution was then read the first and second time.

Mr. Lothrop moved the suspension of the twenty-second rule, which was agreed to, when said resolution was read a third time and passed.

On motion,

*Resolved*, That a copy of said resolution be sent to the Senate for its concurrence.

Mr. Mosely offered the following resolution, which was read and laid on the table.

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of establishing a fourth judicial circuit, embracing the northern counties of the state, and that they report by bill or otherwise.

On motion, the message from the Executive with the report of the Auditor General and State Treasurer, were referred to the committee on ways and means, and ordered to be printed.

On motion,

The report of the Chief Justice was referred to the committee on the judiciary, and ordered to be printed.

On motion,

The communication of the president, directors and company of the Detroit and St. Joseph railroad company, and the St. Clair

and Romeo railroad company, was referred to the committee on internal improvement, and ordered to be printed.

On motion, the House adjourned.

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*Friday, January 6.*

The roll being called, the journal of the previous day was read.

The Chair announced the following standing committees :

*State Prison.*—Messrs. Shattuck, McKeon, Wing, McGaffey, Finch, Herrington, Lothrop.

*Printing.*—Messrs. Wisner, Moseley, Ferrington, Foote, Ward, Howe, Shellhouse.

The thirty-fourth rule having been suspended,

Mr. Convis moved to substitute the following in place of the eleventh rule, which was agreed to.

**RULE 11.**—When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend, or for the previous question ; which several motions shall have precedence in the order they stand arranged.

On motion of Mr. Convis,

*Resolved*, That an additional standing committee on the library, to consist of three members, be appointed.

The Chair announced the following as said committee : Messrs. Felch, Ward, Bingham.

On motion,

The standing rules of this House, as reported by the special committee, with the amendments made thereto, were adopted.

The following petitions were presented and severally referred.

By Mr. Alden,

Of sundry inhabitants of Coldwater, for a division of the township of Coldwater. Referred to committee on organization of towns and counties.

By Mr. Burbank,

Of Fitz Rosman and others, for organization of certain townships. Referred to committee on organization of towns and counties.



By Mr. Kingsley,

Of E. Ingersoll, relative to building a lock in a dam on Grand river. Referred to committee on internal improvement.

By Mr. McKeen,

Of Joseph S. Gibbons and others, for the organization of a certain township in Lapeer county. Referred to committee on organization of towns and counties.

By Mr. Monfore,

Of G. C. Leach and others, for the incorporation of a bank in the county of Macomb. Referred to committee on banks and incorporations.

Mr. Lee asked and obtained leave of absence for Mr. Munger, until Tuesday next.

On motion of Mr. Lothrop,

*Resolved*, That so much of the Governor's message as relates to the disposition of the surplus revenue of the government, be referred to the committee of ways and means.

*Resolved*, That the committee of ways and means be instructed to inquire and report to this House the means in possession of this state for the redemption of a foreign loan, and securing the prompt payment of the interest on the same.

*Resolved*, That the committee on internal improvement be instructed to enquire and report to this House the expediency of negotiating a loan for internal improvements, the amounts that will be necessary, also the time for the redemption of said loan by the state.

*Resolved*, That so much of the Governor's message as relates to the policy of prohibiting by law the circulation of bank notes of less denomination than five dollars, and the further regulating of the currency of this state, be referred to the committee on banks and incorporations.

On motion of Mr. Convis, of Calhoun,

*Resolved*, That so much of the Governor's message as relates to a revised code of laws and the abolishment of imprisonment for debt, also the suthern boundary line of our state, be referred to the committee on the judiciary.

*Resolved*, That so much of the Governor's message as relates to the chartering of railroad companies, the state purchasing the

stock of certain railroad companies, the organization of a board of internal improvement, and a geological survey of the state, be referred to the committee on internal improvement.

*Resolved*, That so much of the Governor's message as relates to banks and incorporations, be referred to the committee on banks and incorporations.

*Resolved*, That so much of the Governor's message as relates to the militia system, be referred to the committee on militia.

*Resolved*, That so much of the Governor's message as relates to providing for the enumeration of the inhabitants of the state, be referred to the committee on expiring laws.

*Resolved*, That so much of the Governor's message as relates to the building of a state penitentiary, be referred to the committee on state prison.

*Resolved*, That so much of the Governor's message as relates to the university and school lands, be referred to the committee on university and school lands.

*Resolved*, That so much of the Governor's message as relates to the state university and common schools, be referred to the committee on education.

*Resolved*, That so much of the Governor's message as relates to the removal of the northwestern Indians from our state, be referred to the committee on Indian affairs.

On motion of Mr. Burbank,

*Resolved*, That so much of the Governor's message as relates to the usury laws, be referred to the committee on the judiciary.

The following communication was received from the Executive, which was read and ordered to be printed, and

On motion of Mr. Alden, committed to a committee of the whole House, and made the special order of the day for Tuesday next.

January 6, 1837.

*To the House of Representatives :*

I hereby transmit the report of the commissioners appointed to view the location of the seat of justice for the county of Branch.

STEVENS T. MASON.

(See Document No. 8.)

*Resolved*, That so much of said report as relates to the River Raisin and Lake Erie railroad company, be referred to the special committee on the affairs of said corporation.

On motion of Mr. Finch,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety and expediency of instituting a court of common pleas for the state of Michigan, and report by bill or otherwise.

On motion of Mr. Monfore,

*Resolved*, That the clerk of this House be required to furnish each member of this House with a copy of the Senate journal of the last session of the legislature.

Mr. Alden asked and obtained leave to withdraw the resolution heretofore laid on the table by him, and offered the following as a substitute, which was read and adopted.

*Resolved*, That the clerk cause to be procured for the use of this House, the constitutions of the United States and the state of Michigan ; the articles of confederation ; the order of business in the Senate and House of Representatives ; the joint rules and orders, and the rules and orders of the Senate and House of Representatives ; an alphabetical list of the members of both houses, with their places of residence, and a list of senators according to their districts ; a list of the members of the House of Representatives by counties ; a list of the officers of both houses ; the standing committees of both houses ; the select committees of both houses on the Governor's message ; a list of the banks and insurance companies in the state, with the amount of their capital and the time when their charters expire ; a list of the railroad companies in the state, with the amount of their capital and the time they were incorporated ; the act requiring the publication of notices in certain cases ; copies of a map of the state of Michigan, and a calendar for 1837 ; and to have the same bound in a pocket volume, and deliver a copy thereof to each of the members and officers of this House.

Mr. Mosely moved to reconsider the vote given yesterday referring the petition of sundry inhabitants of Wayne and Oakland counties for a turnpike company, to the committee on banks and incorporations, and to recommit the same to the committee on internal improvement.

The motion was decided in the affirmative.

Mr. Ward called up the report of the joint committee on printing, which was read and accepted.

### REPORT.

*To the Hon. the SPEAKER of the*

*House of Representatives of Michigan :*

SIR—The joint committee on printing beg leave to report that they have had an interview with Mr. Bagg, the printer to this House, who informed the committee that notwithstanding the entire destruction of his printing establishment by fire on the morning of the 4th instant, such arrangements have been made as will enable him to perform all the duties that may be required of him by both houses of the legislature.

Mr. Bagg is compelled to relinquish the publication of his daily paper, but after this week he will issue a weekly paper, containing a general summary of the proceedings of the legislature of Michigan.

The committee have instructed Mr. Bagg to furnish each branch of the legislature with the daily journals which he has engaged to supply after this day.

R. E. WARD,

In behalf of the committee appointed by the House.

*H. of R., 5th Jan. 1837.*

On motion of Mr. Ward, of Berrien,

*Resolved*, That a committee on "the removal of seats of justice" be appointed by the Speaker, composed of one member from each senatorial district.

The Chair announced the following as said committee :

Mr. Ward, from the third district ; Mr. Brown, from the first district ; Mr. Kellogg, from the fourth district ; Mr. Wing, from the second district ; Mr. McKeen, from the fifth district.

On motion of Mr. Ralph, of Hillsdale,

*Resolved*, That so much of the Governor's message as relates to the assessment of taxes, be referred to the committee of ways and means.

Mr. McKeen moved the suspension of the forty-third rule, and offered the following resolution :

*Resolved*, That the following be the daily order of business in this House :

1. Presentation of petitions.
2. Report of standing committees.
3. Report of select committees.
4. Motions, resolutions and notices.
5. Third reading of bills and resolutions.
6. Unfinished business of the preceding day.
7. Special orders of the day.
8. General orders of the day.

*Resolved*, That the clerk be instructed to cause the daily order of business to be inserted in the legislative manual.

The question being upon the suspension of the rule, it was decided in the negative by yeas and nays, as follows :

## YEAS.

Mr. Alden,	Mr. Eldred,	Mr. Monfore,	
Mr. Almy,	Mr. Ferrington,	Mr. McGaffey,	
Mr. Burbank,	Mr. Lothrop,	Mr. McKeen,	
Mr. Ballard,	Mr. Levake,	Mr. Shattuck.	13
Mr. Burke,			

## NAYS.

Mr. Butler,	Mr. Foote,	Mr. Martin,	
Mr. Cressey,	Mr. Herrington,	Mr. Phillips,	
Mr. Cornell,	Mr. Howe,	Mr. Ralph,	
Mr. Colbath,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Ely,	Mr. Kingsley,	Mr. Thayer,	
Mr. Farrington,	Mr. King,	Mr. Wisner,	
Mr. Finch,	Mr. Lee,	Mr. Yerkes.	21

On motion of Mr. Levake,

*Resolved*, That so much of the Governor's message as relates to the construction of a ship canal around the Falls of Sault Ste. Marie, be referred to a select committee of five members.

The Chair announced the following as said committee :

Messrs. Levake, Ely, King, Almy and Mosely.

Mr. Ward, from leave granted, introduced the following resolution :

" A resolution prescribing the residence of the Attorney General."

*Resolved by the Senate and House of Representatives of the State of Michigan.* That the residence of the Attorney General for this state shall be at the seat of government.

Which was read the first and second time by its title, and committed to a committee of the whole House and made the special order of the day for Wednesday next.

Mr. Ward called up the petition by him laid on the table yesterday, relative to the removal of the seat of justice of Berrien county, which was, on motion, referred to the committee on the removal of seats of justice.

Mr. Alden moved to reconsider the vote referring the message from the Executive with the accompanying documents, relative to the seat of justice of Branch county, to the committee of the whole House, and to refer the same to the committee on the removal of seats of justice, which motion was decided in the affirmative.

On motion, adjourned.

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*Saturday, January 7.*

The roll being called, the journal of the previous day was read.

Mr. Wisner asked and obtained leave of absence for Mr. Burbank.

Mr. Joseph Smith asked and obtained leave of absence for Mr. Ralph.

Mr. Farrington asked and obtained leave of absence for Mr. Brown, until Monday next.

The following petitions and remonstrances were presented and severally referred.

By Mr. Ward,

Two petitions of sundry inhabitants of Bertrand, in the county of Berrien, relative to the removal of the seat of justice of said county. Referred to the committee on the removal of the seats of justice.

By Mr. Finch,

A remonstrance from sundry inhabitants of the county of Lenawee, against the appointment of commissioners to lay out a road

from the village of Adrian to intersect the Chicago road. Referred to the committee on roads and bridges.

By Mr. Martin,

A remonstrance from Titus Dort and others, relative to the Detroit and St. Joseph railroad company. Referred to the committee on internal improvements.

Mr. Kingsley, from the committee on the judiciary, to whom was committed the petition of sundry prisoners in the Detroit jail, reported the same to the House, and that they deem it inexpedient to legislate upon the subject, and moved to be discharged from the further consideration of the same, which was agreed to.

On motion, said petitioners have leave to withdraw their petition.

Also, reported a bill entitled "A bill to authorize Morris S. Hutchins to convey certain land," which was read the first and second time and laid upon the table.

On motion of Mr. Convis,

*Resolved*, That the committee on agriculture be instructed to inquire into the propriety of the passage of an act to constitute a board of commissioners for agricultural purposes in the several counties of the state, and report by bill or otherwise.

*Resolved*, That the committee on agriculture be instructed to inquire into the propriety of the passage of an act to provide by law for the draining of certain marshes in this state, and report by bill or otherwise.

On motion of Mr. Butler,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety and expediency of limiting the jurisdiction of justices of the peace to actions of assumpsit, debt, covenant, trespass on the case, and trespass, and to the amount of fifty dollars on judgments rendered on trial, and to one hundred dollars on confession, and that they report the same by bill or otherwise.

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety and expediency of adding one additional term of the circuit court in those counties whose population and amount of business authorize and demand the same, and that they report by bill or otherwise.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of appointing commissioners in each of the several counties of this state, to reside at the county seats of each county, who shall be empowered to do and perform all the duties of a judge of the supreme court at chambers, and that they report by bill or otherwise.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of appointing commissioners in each of the several counties of this state, and take the acknowledgment of deeds, &c., and that they report by bill or otherwise.

Mr. Calkin asked and obtained leave of absence for Mr. Foote, until Wednesday next.

Mr. Cornell gave notice that on some future day he should ask leave to bring in a bill to incorporate a bank at Jacksonburgh, in the county of Jackson, with a capital of one hundred thousand dollars, with power to increase the amount to five hundred thousand dollars.

A message was received from the Senate through their secretary, as follows :

MR. SPEAKER—I am directed by the Senate to return to the House of Representatives without amendment, the resolution entitled “ A joint resolution to provide for the appointment of a fiscal agent.”

On motion of Mr. Thayer,

*Resolved*, That the committee on the judiciary inquire into the expediency of passing a law to legalize certain township elections, and to provide for the due execution of the law in the several townships in this state.

Mr. McGaffey moved for a reconsideration of the vote taken yesterday on that part of the Governor's message which relates to a geological survey of the state, which was agreed to ; and the same was re-referred to a select committee of five members, consisting of Messrs. McGaffey, Cressey, Convis, Eldred and Wisner.

On motion of Mr. Finch,

*Resolved*, That the select committee on elections be requested to report to the House the progress they have made in the inves-



tigation relative to the contested election in the county of St. Clair.

Mr. Convis laid on the table the following resolution :

*Resolved*, That the report of the select committee on the contested election of St. Clair county, be referred to a committee of the whole House, and made the special order of the day on Tuesday next.

The sixteenth rule being suspended,

Mr. Wing offered the following resolutions :

*Resolved*, That a committee of five members of the legislature be appointed, two from the Senate and three from the House of Representatives, to examine into the doings of the president, directors and company of the Bank of Monroe, and into the affairs of said corporation, and to report to the legislature the true condition of said bank, with all convenient speed.

*Resolved*, That said committee shall have power to examine the books, papers and vaults of said corporation, and to examine under oath or affirmation the officers, directors and clerks of said bank, relative to the affairs and management of the same, and also to send for and examine any other person or persons as the committee shall think proper for a full investigation of the affairs of said corporation.

On motion, the House resolved itself into a committee of the whole, Mr. Convis in the chair, on the above resolutions, and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

The resolutions as amended, were then adopted as follows :

*Resolved*, That a committee of five members of the legislature be appointed, two from the Senate and three from the House of Representatives, to examine into the doings of the president directors and company of the Bank of Monroe, and into the affairs of said corporation, and to report to the legislature with all convenient speed ; and that the said committee be further authorized and directed to inquire into the condition of the several banking institutions of this state, and ascertain whether there has been a violation of their charter, by all or either of said banks, in any respect whatsoever.

*Resolved*, That said committee shall have power to examine the books, papers and vaults of said corporations, and to examine under oath or affirmation, the officers, directors and clerks of said banks, relative to the affairs and management of the same, and also to send for and examine other person or persons as the committee shall think proper for a full investigation of the affairs of said corporations.

Mr. Kingsley, from the committee of the judiciary, reported a bill entitled "A bill to amend the several acts concerning the Supreme and circuit courts and court of chancery of the state of Michigan," which was read a first and second time; and on motion, the House resolved itself into a committee of the whole, Mr. Felch in the chair, on the above bill, and after spending some time therein, the committee rose and reported the same to the House without amendment.

Said bill was ordered to be engrossed and read a third time to-day, and the twenty-second rule being suspended, said bill was read a third time and passed.

The Chair presented the following communication from the Treasurer of the state, in relation to weights and measures.

(See Document No. 9.)

On motion of Mr. Lothrop, the above communication was referred to the committee on ways and means.

Mr. Lee called up the petition from the table, from the inhabitants of Ingham and Washtenaw counties, relative to the laying out a road, and moved its reference to the committee on roads and bridges, which was agreed to.

On motion, adjourned.

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*Monday, January 9.*

The roll being called, the journal of the previous day was read.

The following petitions were presented and severally referred:  
By Mr. Convis, of Calhoun.

Of sundry inhabitants of the county of Eaton, relative to the

organization of said county of Eaton. Referred to the committee on organization of towns and counties.

By Mr. Kingsley, of Washtenaw,

Of B. B. Kercheval and others, for a charter to construct a railroad from Gibraltar to Clinton, and for other purposes. Referred to the committee on internal improvements.

By Mr. Ward, of Berrien,

Of sundry inhabitants of Niles, Berrien county, praying for the removal of the seat of justice of said county from St. Joseph to Berrien.

By Mr. McKeen, of Lapeer,

Of Henry Howard and others, praying for the appointment of commissioners to lay out a state road from Fort Gratiot to Point aux Barque. Referred to committee on roads and bridges.

By Mr. Convis, of Calhoun,

Of sundry inhabitants of the township of Athens, praying for a division of said town. Referred to the committee on towns and counties.

By Mr. Finch, of Lenawee,

Of sundry inhabitants of Adrian, for a charter for a turnpike company. Referred to the committee on banks and incorporations.

By Mr. Almy,

Of sundry inhabitants of Ionia, for the appointment of commissioners to examine a route from Pontiac to the Maple river. Referred to the committee on internal improvements.

Also, of Dwight A. Lyman and Emeline Case, praying that the widow of George W. Case be authorized to convey certain lands. Referred to committee on judiciary.

By Mr. Butler, of Lenawee,

Of sundry inhabitants of Lenawee and Hillsdale counties, for a charter for a bank. Referred to committee on banks and incorporations.

By Mr. Finch, of Lenawee,

Of sundry inhabitants of Adrian, for a bank at Adrian. Referred to committee on banks and incorporations.

By Mr. Ely, of Allegan,

Of J. Bushnell, for authority to construct a dam across the Grand river, in Ingham county. Referred to committee on internal improvement.

By Mr. Convis, of Calhoun,

Of D. H. Daniels and others, to authorize the Detroit and St. Joseph railroad company to use the Chicago road. Referred to the committee on the judiciary.

Also, of Stephen H. Willis and others, to organize a certain township.

Mr. Kingsley, from the judiciary committee, reported a bill entitled "An act to authorize the administrators on the estate of Israel Owen, late of the county of Monroe, to make and execute a deed for certain real estate," which was read the first and second time and laid on the table and ordered to be printed.

On motion of Mr. Convis,

*Resolved*, That the clerk of the House furnish the fiscal agent of this state the names of the members and officers of this House, with the distance of their residence from the seat of government.

Mr. Ely laid on the table the following resolution :

*Resolved' by the Senate and House of Representatives of the State of Michigan*, That our senators be instructed, and our representative in Congress be requested, to use their influence to procure the passage of a law making appropriations for light-houses, and the improvement of the harbors at Grand river, Kalamazoo river, New Buffalo, and north and south Black river.

On motion of Mr. Convis,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of the passage of an act to authorize a company to improve the Kalamazoo river, by slack water navigation, and to report by bill or otherwise.

On motion of Mr. Lothrop,

The sixteenth rule was suspended, and he moved a reconsideration of the vote taken on the adoption of the resolution of the 3d instant, relative to the clerks furnishing copies of newspapers to the members, which, on motion of Mr. Convis, was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Butler,	Mr. Haskins,	Mr. Ralph,	
Mr. Ballard,	Mr. Lothrop,	Mr. Joseph Smith,	
Mr. Burke,	Mr. Levake,	Mr. Shellhouse,	
Mr. Cressey,	Mr. Martin,	Mr. Thayer,	
Mr. Calkin,	Mr. McKeen,	Mr. Wing,	
Mr. Convis,	Mr. Purdy,	Mr. Yerkes,	
Mr. Eldred,	Mr. Phillips,	Mr. Speaker,	22
Mr. Ferrington,			

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. King,	
Mr. Almy,	Mr. Finch,	Mr. Lee,	
Mr. Brown,	Mr. Gilbert,	Mr. McGaffey,	
Mr. Bingham,	Mr. Herrington,	Mr. Job Smith,	
Mr. Burbank,	Mr. Howe,	Mr. Shattuck,	
Mr. Colbath,	Mr. Kellogg,	Mr. Ward,	20
Mr. Ely,	Mr. Kingsley,		

On motion of Mr. Kingsley, it was then

*Resolved*, That each member of this House be authorized to procure for himself, at the expense of the state, such newspapers as they may respectively direct, not exceeding the price of one daily paper.

On motion of Mr. Ward,

*Resolved*, That the committee on internal improvements be directed to inquire into the expediency of improving the navigation of the St. Joseph and Grand rivers, by slack water navigation, and to report to this House by bill or otherwise.

Mr. McKeen, of Lapeer, gave notice that he should, on a future day, ask leave to introduce a bill authorizing the supervisors of the county of Lapeer to loan money for the erection of county buildings.

Mr. Butler, of Lenawee, gave notice that on some future day he should ask leave to bring in a bill to authorize the board of supervisors of the county of Lenawee, to raise money to erect a court-house and jail in said county.

On motion, adjourned.

*Tuesday, January 10, 1837.*

The roll being called, the journal of the previous day was read.

The following petitions were presented and severally referred:  
By Mr. Wisner, of Oakland,

Of sundry inhabitants of the village of Pontiac, praying an act of incorporation for said village. Referred to committee on banks and incorporations.

By Mr. Lothrop, of Kalamazoo,

Of Salmon Gregory and others, of Kalamazoo county, praying to be set off and organized into a separate township. Referred to committee on organization of towns and counties.

By Mr. Eldred, of Kalamazoo,

Of the board of trustees of the Michigan and Aurora institute, praying for an alteration in their charter. Referred to committee on education.

By Mr. Felch, of Monroe,

Of sundry citizens of the village of Monroe, praying for an act to incorporate "The Merchants' and Mechanics' bank" at Monroe. Referred to committee on banks and incorporations.

Mr. Felch, of Monroe, from the committee on enrolment, reported as correctly enrolled, "A joint resolution to provide for the appointment of fiscal agent of the legislature."

Mr. Kingsley, of Washtenaw, from the judiciary committee, to which was referred so much of the Governor's message as relates to the revision of the laws; also, the communication of the commissioners appointed to revise the laws; reported a joint resolution, which was read the first and second time, laid on the table and ordered to be printed.

On motion of Mr. Eldred,

*Resolved*, That the Hon. Chief Justice of the state of Michigan be requested to report to this House a list of such laws as in his opinion require the immediate attention of this legislature.

A message was received from the Executive, through Mr. Jackson, his private secretary, announcing his approval of the joint resolution in relation to the appointment of a fiscal agent.

On motion of Mr. Alden, of Branch,

*Resolved*, That the committee on the judiciary be instructed

to inquire into the power and expediency of this legislature to pass an act declaring the Coldwater river, below the Chicago road, and the St. Joseph river, between the junction of the Coldwater with the St. Joseph, and the east line of town five, south of range eight east, a public highway ; and that they report by bill or otherwise.

Mr. Ward, of Berrien, offered the following joint resolution, which was read the first and second time, laid on the table and ordered to be printed.

“ A resolution instructing our senators and representative in Congress relative to pre-emption claims.”

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators in Congress be instructed, and our representative requested, to procure the passage of a law granting pre-emption rights to actual settlers on government lands.

Mr. Convis, of Calhoun, gave notice that on some future day he would ask leave to bring in a bill fixing the seat of government until the year 1847.

Mr. Monfore, of Macomb, gave notice that on a future day he would ask leave to bring in a bill to incorporate the Michigan insurance and loan company.

Mr. Ward, of Berrien, gave notice that on some future day he would ask leave to bring in a bill to organize township six south, of range seventeen west.

Mr. Lothrop, of Kalamazoo, from the select committee on elections, reported the following resolution, which was read and laid on the table.

*Resolved by the House of Representatives of the State of Michigan,* That Jefferson G. Thurber be, and is hereby, appointed a commissioner under the direction of the select committee of elections, to take depositions, examine witnesses and certify the same, in case of the contested election in the county of St. Clair, between John S. Heath and Elijah J. Roberts.

Mr. Ely, of Allegan, called up the joint resolution instructing our senators and representative in Congress, relative to light-houses and harbors, by him laid on the table yesterday, which,

after being read, was, on motion, referred to the committee on internal improvement.

On motion of Mr. Wing, of Monroe,

*Resolved*, That the select committee to whom the election returns from the county of St. Clair were referred, be discharged from the further consideration of said returns, and the documents accompanying the same, and that the same be referred to a committee of the whole House.

On motion, the House resolved itself into a committee of the whole, Mr. Alden in the chair, on sundry papers and documents relative to the election for members of the House of Representatives from the county of St. Clair, and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The following communication was received from the Senate through their clerk :

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, without amendment, the “ Resolution relative to the investigation of bank charters ;” and am directed to inform the House of Representatives, that Messrs. Manning and Ellis have been appointed the committee on the part of the Senate, in pursuance of said resolution. I also herewith transmit a memorial to the Congress of the United States, relative to Indians living within the state of Michigan, which has been adopted by the Senate, and in which they respectfully ask the concurrence of the House of Representatives.

On motion, the memorial above alluded to, was read and referred to the committee on Indian affairs.

On motion, the communication and documents referred to in the communication of the Executive, were referred to the committee on internal improvements.

On motion of Mr. Mosely, of Saginaw,

*Resolved*, That the committee on internal improvements be instructed to inquire into the expediency of passing an act to incorporate the Pontiac and Huron river canal company.

Mr. Convis, of Calhoun, gave notice that on some future day he should ask leave to bring in a bill to amend an act entitled



"An act to authorize the board of supervisors of Calhoun county to borrow certain sums of money."

Mr. Shellhouse gave notice that on some future day he would ask leave to bring in a bill to amend an act entitled "An act to regulate highways."

On motion of Mr. Monfore, of Macomb,

*Resolved*, That the committee on banks and incorporations be instructed to inquire into the expediency of passing a law incorporating the "Michigan insurance and loan company."

On motion, adjourned.

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*Wednesday, January 11.*

The roll being called, the journal of the previous day was read.

The Chair announced Messrs. Wing, Convis and Ward, as the committee on the part of the House to investigate the condition of the several banks in this state, in pursuance of a joint resolution on this subject, heretofore passed both houses.

The following petitions were presented and severally referred:

By Mr. Ward, of Berrien,

Of sundry inhabitants of Niles, Berrien county, for a bank at Niles. Referred to the committee on banks and incorporations.

By Mr. Calkin, of Macomb,

Of sundry inhabitants of Clinton, in said county, for the organization of a new township. Referred to the committee on organization of towns and counties.

By Mr. Ward, of Berrien,

Of Robert S. Griffin, for the passage of an act authorizing him to convey certain land. Referred to the committee on the judiciary.

Mr. Alden, of Branch, presented a remonstrance from sundry inhabitants of Branch county, remonstrating against the removal of the seat of justice of said county. Referred to the committee on the removal of seats of justice.

Mr. Butler, of Lenawee, from the committee on elections, to whom were referred certain documents relative to the election of a member of the House of Representatives from the counties of

Saginaw and Genesee, made the following report, and moved to be discharged from the further consideration of the subject.

As chairman of the committee on elections, I am instructed to make the following report, in the case of Wm. F. Mosely, of Saginaw county, and Jeremiah R. Smith, of the county of Genesee, in the matter of the contested election in those counties.

### REPORT.

Your committee, having given to the subject a careful examination have agreed unanimously to report the following facts for the consideration of this House.

It appears from the returns of the county clerk of the county of Saginaw, under his official seal, that William F. Mosely, of the said county of Saginaw, received the highest number of votes for a member of the House of Representatives, in that county; and by reference to the law organizing said county, it appears that the same was organized before the formation of the constitution, and was, by said constitution, entitled to a member of the House of Representatives. Your committee are therefore of opinion that William F. Mosely is entitled to a seat as a member legally returned from the county of Saginaw.

Your committee would further report that they have in their possession the certificate of the county clerk of the county of Genesee, under his official seal, declaring that Jeremiah R. Smith, of said county, did receive at the annual election held the first Monday of November and the Tuesday following, in the said county and the county attached to it for judicial purposes, 116 votes; Jeremiah Riggs 80; and William F. Mosely 9. We have likewise in our possession an affidavit made by Lyman Stow, one of the board of canvassers of the said county of Genesee, who was authorized by the said board to carry the said returns to the clerk's office of the county of Saginaw, and that he arrived at the said office the fourteenth of November, 1836, and presented the same to the clerk, and he refused to receive them.

On referring to the law organizing the said county of Genesee, we find the same was organized the eighth of March, 1836, after the formation of the constitution, and that Shiawassee was joined to it for judicial purposes. So far as the question of the returns sent from the board of canvassers of Genesee to the county clerk

of Saginaw, and the fact of their not being received by the said clerk ; and likewise the constitutional question of the right of the county of Genesee and Shiawassee to elect a member to this House, your committee decline giving an opinion ; all which, together with the accompanying documents, are respectfully submitted.

On motion,

The report of the committee was accepted, and the committee discharged from the further consideration of the subject.

On motion of Mr. Alden, of Branch,

The report and accompanying documents were referred to a committee of the whole House.

The resolution prescribing the residence of the Attorney General, having been made the special order of the day for to-day, was taken up, and on motion laid on the table.

On motion of Mr. McGaffey, of St. Joseph,

The bill to "authorize Morris S. Hutchins to convey certain land," was taken up and committed to the committee of the whole House.

On motion,

The House resolved itself into committee of the whole, Mr. Lothrop in the chair, on the above bill, and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in. Said bill was ordered to be engrossed and read a third time to-day.

On motion of Mr. Convis,

The House resolved itself into committee of the whole, Mr. Howe in the chair, on the report and accompanying documents reported by the chairman of the committee on elections, in the matter of the election of a member of the House of Representatives from the counties of Lenawee and Genesee, and after spending some time therein, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr. Felch, of Monroe,

*Ordered*, That the report of the committee on elections above referred to, be printed.

Mr. Ward asked and obtained leave of absence for Mr. Butler, until Monday next.

Mr. Cressey asked and obtained leave of absence for Mr. Finch until Monday next.

Mr. Alden presented the petition of sundry inhabitants of Branch county, praying for a charter for a railroad. Referred to the committee on internal improvement.

On motion, the House adjourned.

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*Thursday, January 12.*

The roll being called, the journal of the previous day was read. On motion of Mr. Finch, of Lenawee,

The fourteenth rule was suspended, and the House, Mr. Howe in the chair, resumed in committee of the whole, the consideration of the report of the committee on elections, with the accompanying documents, in the matter of the contested election of a member of the House of Representatives from the counties of Saginaw, Genesee and Shiawassee, and after spending some time therein, the committee rose and reported the following resolution to the House.

*Resolved*, That the counties of Saginaw, Genesee and Shiawassee, constitute, by the constitution, one election district, and are entitled to but one representative in this House, and that said representative may be a resident of any part of said district.

The question being upon concurring in the report of the committee, the first branch of the resolution was concurred in by yeas 41, nays 3.

The question being upon the second branch of the resolution, it was also concurred in, yeas 31, nays 16.

Mr. Burbank offered the following resolution :

*Resolved*, That Mr. Mosely is entitled to a seat in this House, from the district composed of Saginaw, Genesee and Shiawassee, as a representative from said district.

Mr. Purdy offered the following as a substitute to the above resolution :

*Resolved*, That as Jeremiah R. Smith did receive a plurality of votes for representative from the representative district composed of the counties of Saginaw, Genesee and Shiawassee, he is justly

entitled to a seat in this House, and that the seat of Mr. Mosely ought to be and is hereby vacated.

Mr. McGaffey then offered the following resolution as an amendment and substitute, which was adopted:

*Resolved*, That a special committee of five members be appointed to inquire and report to this House as speedily as possible, the number of votes that Mr. Mosely and Mr. Smith respectively received in the representative district of Saginaw, Genesee and Shiawassee.

The Chair announced the following as said committee: Messrs. McGaffey, Wisner, Convis, Burbank and Felch.

On motion of Mr. Lothrop, the engrossed bill entitled "A bill to authorize Morris S. Hutchins and others to convey certain land," was taken up, read a third time and passed.

The following petitions were presented and severally referred:

By Mr. Ward, of Berrien,

Of sundry inhabitants of the county of Allegan, for a bank at Allegan. Referred to the committee on banks and incorporations.

By Mr. Almy, of Kent,

Of Lucius Lyon, for the privilege of erecting a dam across the Grand and Thorn Apple rivers. Referred to the committee on internal improvement.

By Mr. Burbank, of Oakland,

Of George Olto and others, for a division of a certain township in Jackson county. Referred to the committee on organization of towns and counties.

By Mr. Ward, of Berrien,

Of sundry inhabitants of Niles, for a bank at Niles. Referred to the committee on banks and incorporations.

By Mr. Farrington, of Monroe,

Of sundry inhabitants of the county of Monroe, praying for an equalization of taxes on real estate.

On motion, the above petition was referred to a select committee of five.

By Mr. Alden, of Branch,

Of sundry inhabitants of St. Joseph and Branch counties, praying the appointment of commissioners to lay out a certain road.

Also of sundry inhabitants of Branch county, for a bank at Coldwater. Referred to the committee on banks and incorporations.

Mr. Mosely, from the committee on Indian affairs, to whom was referred a memorial to the Congress of the United States, relative to the Indians living within the limits of the state of Michigan, reported the same to the House without amendment; which report was concurred in.

Mr. Kingsley, from the committee on the judiciary, to whom was referred the petition of Robert S. Griffin, praying for the passage of an act authorizing his son to convey certain land; and the petition of Emeline Case and Dwight A. Lyman, praying that the widow of George W. Case be authorized to convey certain land, reported adverse to the prayer of the petitioners, and asked to be discharged from further consideration of the subject. The report of the committee was concurred in, and the committee discharged.

Mr. Kingsley, from the same committee, to whom was referred certain resolutions heretofore adopted, instructing said committee to inquire into the expediency of establishing a fourth judicial circuit; also the propriety and expediency of instituting a court of common pleas, reported that they deem it inexpedient to establish a fourth judicial circuit, and adverse to instituting a court of common pleas.

On motion,

The report on the first resolution was concurred in, and the committee discharged from further consideration of the subject.

The report on the second resolution was, on motion, laid on the table.

Mr. Bingham, of Livingston, laid on the table the following resolution :

*Resolved*, That the county of Kalamazoo and the counties of Allegan and Barry, are entitled to but two representatives in this House.

Mr. Shellhouse, of St. Joseph, laid on the table the following :

*Resolved*, That on and after Monday next there shall be two sessions of this House each day, commencing at 10 o'clock, A. M., and half-past 2, P. M., until otherwise ordered.

Mr. Lothrop, of Kalamazoo, laid on the table the following:

*Resolved*, That no member of this House shall be entitled to his per diem allowance except for the time he is in attendance, unless detained from attending this House by sickness.

Mr. Felch asked and obtained leave of absence for Mr. Wing, until Monday next.

On motion of Mr. Felch,

The House resolved itself into a committee of the whole, Mr. Convis in the chair, on the bill entitled "A bill to authorize the administrator on the estate of Israel Owen, late of the county of Monroe and state of Michigan, deceased, to make and execute a deed of certain real estate," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

On motion, said bill was ordered to be engrossed and read a third time to-day.

On motion, said bill was read a third time and passed.

On motion, adjourned.

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*Friday, January 13.*

The roll being called, the journal of the previous day was read.

The following petitions were presented and severally referred:

By Mr. Ward, of Berrien.

Of sundry inhabitants of the state, for a charter of a bank to be located in the city of Detroit. On motion, the petition was read and referred to the committee on banks and incorporations.

By Mr. Cass, of Lenawee,

Of sundry inhabitants of Clinton, Lenawee county, for a charter for a railroad from Gibraltar to Clinton. Referred to committee on internal improvement.

The following communication was received from the Senate through their secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit for the concurrence of the House of Representatives, two bills which have passed the Senate, entitled "A bill

to fix the time of the annual meeting of the legislature," and "A bill to authorize David Gilbert, a minor, to sell certain land therein described."

Mr. Lothrop, of Kalamazoo, from the committee on banks and incorporations, to whom was referred the petition of sundry inhabitants of the village of Coldwater, in Branch county, praying for an act to incorporate said village, reported a bill entitled "A bill to incorporate the village of Coldwater, in the county of Branch," which was read a first and second time by its title, laid on the table and ordered to be printed.

Mr. Cressey, of Lenawee, from the committee on the organization of towns and counties, to whom was referred a petition of sundry inhabitants of Clinton county, praying for the removal of the seat of justice of said county, asked and obtained leave to be discharged from the consideration of the subject, and moved that said petition be committed to the committee on the removal of seats of justice, which motion was carried.

Mr. Kingsley, of Washtenaw, from the committee on the judiciary, reported a bill to regulate the interest of money, which was read the first and second time and laid on the table.

On motion of Mr. Convis, of Calhoun,

*Resolved*, That all bills or joint resolutions, after being read the first and second time, shall be laid on the table and printed, unless otherwise ordered by this House.

Mr. Ward, of Berrien, called up the resolution "instructing our senators and representative in Congress relative to pre-emption claims."

On motion of Mr. Convis, of Calhoun,

The House resolved itself into a committee of the whole, Mr. Kingsley in the chair, on the above resolution, and also on the resolution instructing our senators and representative in Congress, relative to light-houses and harbors, and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

Mr. Lothrop, of Kalamazoo, moved to amend the resolution instructing our senators and requesting our representative in Congress, relative to pre-emption claims, by adding the following: "on the following principles, to wit: that no person who



has had the benefit of a former pre-emption law, shall be entitled to the benefit of this law, nor shall any person who has sold one claim and made another, be entitled to a pre-emption right."

On motion of Mr. Felch, the resolution and amendment was laid upon the table.

Mr. McGaffey, of St. Joseph, moved to refer the resolution instructing our senators and representative in Congress, relative to light-houses and harbors, with the amendment thereto, to a select committee.

Mr. Convis, of Calhoun, moved to amend the same, by referring said resolution and amendments to the committee on the judiciary, which was agreed to.

On motion of Mr. Convis,

The House resolved itself into a committee of the whole, on the joint resolution, "allowing the commissioner appointed by law to prepare, digest and arrange a code of laws for the government of the people of this state, further time to report the result of his labors in the premises," and after spending some time therein, rose and reported the same to the House with an amendment, which was concurred in.

On motion, the above resolution was ordered to be engrossed and read a third time to-morrow.

Mr. Burbank, of Oakland, asked and obtained leave of absence for Mr. Gilbert, until Wednesday next.

Mr. Smith, of Cass, on leave granted, offered the following resolution, which was adopted.

*Resolved*, That the select committee to whom was referred the petition praying for an act to equalize taxation on real estate, be instructed to inquire into the expediency of providing by law for the election of one county assessor for each organized county in this state.

On motion, adjourned.

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*Saturday, January 14.*

The roll being called, the journal of the previous day was read.

The following petitions were presented and severally referred.

By Mr. Smith, of Cass,

Of sundry inhabitants of said county, praying for the organization of a certain township in said county. Referred to committee on the organization of towns and counties.

By Mr. Lee, of Washtenaw,

Of sundry inhabitants of Washtenaw and Wayne counties, praying for the appointment of commissioners to lay out a certain road. Referred to the committee on roads and bridges.

By Mr. Alden, of Branch,

Of sundry inhabitants of said county, praying for the organization of a certain township in said county. Referred to the committee on the organization of towns and counties.

Mr. McGaffey, of St. Joseph, from the select committee to whom was referred the report of the committee on elections, with the accompanying documents relative to the contested election for a member of the House of Representatives from the counties of Saginaw, Genesee and Shiawassee, made the following report, which, on motion of Mr. Convis, was laid on the table and made the special order of the day for Wednesday next.

#### REPORT.

The committee on the contested election from the representative district composed of Saginaw, Genesee and Shiawassee, beg leave to report that they have had the subject under consideration, but are unable to find the official return of the late election in the county of Saginaw. Although it has passed through the hands of a former committee, as appears by their report, it cannot now be found; it is either lost or mislaid, and we have no documentary evidence showing what number of votes were given for William F. Mosely, without sending to the county of Saginaw. But your committee understood Mr. Mosely to admit that Mr. Smith had the highest number of votes for representative in said district, and as the fact has never been contested, the committee feel warranted in saying, that so far as number of votes was requisite, Mr. Smith would have been elected to a seat in this House, if all the votes in said district are considered. But your committee find much to cause them to believe that neither of the candidates have been elected, and the returns made strictly in pursuance with the provisions of the constitution; therefore,

*Resolved*, That the seat of William F. Mosely, from the dis-

district composed of Saginaw, Genesee and Shiawassee, be, and the same is hereby, vacated.

*Resolved*, That the question upon the contested election from said district be referred back to the people.

*Resolved*, That William F. Mosely and J. R. Smith, be privileged to sit in this House until a new election takes place, with the privileges of other members, except the right of voting.

N. McGAFFEY, *Chairman*.

Mr. Convis, of Calhoun, from previous notice given, and upon leave granted, introduced "A bill to repeal so much of the second section as relates to the rate of interest, of an act entitled 'An act to authorize the board of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved March 24, 1836," which was read the first and second time and laid on the table, and ordered that the printing be dispensed with.

Mr. Ely, of Allegan, laid on the table the following resolution:

*Resolved*, That the committee on internal improvement be, and they are hereby, directed not to make any reports on the petitions referred to, them for the construction of railroads, until some future action of this House on the subject.

Mr. McGaffey, from St. Joseph, offered the following resolution, which, on motion of Mr. Convis, was laid on the table.

*Resolved*, That the committee on printing be authorized to employ any means they may think proper to obtain the necessary printing required for the business of this House.

The following bills from the Senate, were taken up, read the first and second time, and referred to the committee on the judiciary.

"A bill to authorize David Gilbert, a minor, to sell certain land therein described." Also, "A bill to fix the time of the annual meeting of the legislature."

The engrossed resolution, "A joint resolution allowing the commissioner appointed by law to prepare a code of laws for the government of the people of this state, further time to report the result of his labors in the premises, being under consideration, was read the third time and passed.

The joint resolution instructing our senators and requesting our

representative in Congress relative to pre-emption claims, was taken up; the question being upon the amendment offered yesterday by Mr. Lothrop, Mr. Alden moved that the resolution and the amendment be laid upon the table, which was negatived.

Mr. Ralph then moved to amend the amendment by substituting the following:

*“Resolved, That our Senators in Congress be instructed and our representative requested, to procure the passage of a law granting pre-emption rights to all actual settlers upon eighty acres of land, provided said settler does not own any land in any of the United States.”*

On motion of Mr. Convis,

Said resolution and amendments were referred to a select committee of five members.

Mr. J. R. Smith, of Genesee, by consent given, presented a petition of sundry inhabitants of Genesee, praying for a bank at Flint river, in said county. Referred to committee on banks and incorporations.

Mr. Alden, of Branch, gave notice that at a future day he would ask leave to bring in a bill for the incorporation of a wool growing and manufacturing company in Union city, Branch county.

Mr. McKeen, of Lapeer, gave notice that he should, on a future day, ask leave to introduce a bill to incorporate the stockholders of the Lapeer county bank.

Mr. Lee gave notice that he would, on some future day, ask leave to bring in a bill to incorporate a bank at the village of Dexter, with a capital of one hundred thousand dollars, with privilege to increase the same to five hundred thousand dollars.

Mr. McKeen, of Lapeer, from previous notice given, on leave granted, brought in a bill entitled “An act to authorize the board of supervisors of the county of Lapeer, to loan a certain sum of money,” which was read the first and second time and laid upon the table.

The rule being suspended, on motion of Mr. Convis, the bill introduced by him this morning, was taken up, ordered to be engrossed and read a third time to-day. Said engrossed bill was taken up, read a third time and passed.

The Chair, by consent, presented the petition of N. B. Carpenter, praying relief from a certain fine. Referred to the committee on the judiciary.

Mr. Smith, of Cass, from previous notice given, asked and obtained leave to introduce a bill to organize the county of Van Buren.

On motion, adjourned.

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*Monday, January 18.*

The House met pursuant to adjournment.

The roll being called, the journal of the preceding day was read.

The following petitions were read and severally referred:

By Mr. Mosely, of Saginaw,

Of sundry inhabitants of said county, for a bank at the city of Saginaw. Referred to the committee on banks and incorporations.

Also, a petition of G. D. Williams and others, for a canal connecting the waters of the Saginaw and Grand rivers. Referred to the committee on internal improvement.

By Mr. Ward, of Berrien,

Of Wessell Whittaker and others, praying for the removal of the seat of justice of Berrien county. Referred to the committee on removal of seats of justice.

Also, a remonstrance of the inhabitants on the Indian reservation, opposite Niles and Bertrand, in Berrien county, praying for the security of their rights as settlers on said reservation. Referred to committee on university and school lands.

By Mr. Convis, of Calhoun,

Of certain inhabitants of Marshall, in said county, praying that the clerk and supervisor of said Marshall may levy a tax upon the entire property assessed therein. Referred to the committee on ways and means.

By Mr. Lee, of Washtenaw,

Of Nathaniel Noble and others, for a state road from Dexter through Ingham to the county seat of Ionia county. Referred to the committee on roads and bridges.

By Mr. Smith, of Cass,

Of sundry inhabitants of Van Buren county, for the organization of said Van Buren county, and to legalize the election held in said county in November last, for county officers. Referred to the committee on the organization of towns and counties.

By Mr. McGaffey, of St. Joseph,

Of sundry inhabitants of White Pigeon, in said county, praying for the organization of the townships of Constantine and Burlington. Referred to the committee on the organization of towns and counties.

By Mr. Ely, of Allegan,

A petition and report of the president, directors and company of the St. Clair and Romeo railroad company. The petition was referred to the committee on internal improvement, and the report was laid on the table.

*(See Document No. 10.)*

By Mr. McGaffey, of St. Joseph,

Of Otis Preston and others, praying for relief from taxation. Referred to the special committee on the equalization of taxes.

Also, of sundry inhabitants of the village of White Pigeon, for the incorporation of said village. Referred to the committee on banks and incorporations.

Mr. Kingsly, of Washtenaw, from the committee on the judiciary, to which was referred two bills from the Senate, entitled "A bill to authorize David Gilbert, a minor, to sell certain land therein described;" also, "A bill to fix the time of the annual meeting of the legislature," reported the same without amendment.

Mr. Mosely, of Saginaw, offered the following resolution, which was read the first and second time:

Whereas, the Senate of the United States, in reference to the removal of the public deposits from the bank of the United States, and to the dismissal by the President of the Secretary of the Treasury, for refusing to carry into effect the executive decision that they should be removed, did, on the 28th day of March, 1834, adopt a resolution declaring "That the President, in the late executive proceedings in relation to the revenue, has

assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both :”

And whereas, the said resolution was irregularly, illegally and unconstitutionally adopted by the Senate, because it pronounced the President, without any hearing or trial, to be guilty of an impeachable offence, of which the Senate thus adjudging him guilty, without going through the forms of impeachment and defence, constituted the legal tribunal for his trial, whenever the House of Representatives might arraign him for that purpose, and could not constitutionally pronounce such judgment without an adherence to the regular form of trial : And whereas, the Senate, in the adoption of the aforesaid resolution, assumed to itself the character of accusers, of witnesses and of judges, contrary to the constitution of the country, and in violation of all the principles of law and justice, before any impeachment by the House of Representatives, and did thus commit a breach of the privileges of the House, and prejudice the question, which, as a judicial tribunal, it might have been called upon to decide after a fair trial. Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators in Congress be, and they are hereby, instructed to vote for expunging the aforesaid resolution from the journal of the Senate of the United States.

On motion of Mr. Convis, the sixteenth rule was suspended and the resolution was read the third time.

The question being upon its final passage, the resolution was adopted by yeas and nays as follows :

## YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. McKeen,
Mr. Almy,	Mr. Felch,	Mr. Mosely,
Mr. Brown,	Mr. Farrington,	Mr. Purdy,
Mr. Bingham,	Mr. Howe,	Mr. Ralph,
Mr. Burbank,	Mr. Kellogg,	Mr. Job Smith,
Mr. Ballard,	Mr. Kingsley,	Mr. Shattuck,
Mr. Burke,	Mr. Lee,	Mr. Joseph Smith,
Mr. Cressey,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Convis,	Mr. Levake,	Mr. Thayer,
Mr. Cornell,	Mr. Munger,	Mr. Ward,
Mr. Colbath,	Mr. Martin,	Mr. Speaker,
Mr. Elv.		

## NAYS.

Mr. Eldred,                      Mr. King,                      Mr. McGaffey,                      8

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Ward in the chair, on the bill entitled "A bill to incorporate the village of Coldwater, in the county of Branch," and after spending some time therein, the committee rose and through their chairman, reported the same to the House with sundry amendments, which were concurred in.

On motion, the bill with the amendments was laid upon the table.

Mr. Convis laid upon the table the following :

*Resolved*, That imprisonment for debt in this state ought to be abolished.

*Resolved*, That the Chief Justice, appointed to revise the laws of the state, be directed to prepare an act in the revised code, to provide for the punishment of fraudulent debtors.

*Resolved*, That the clerk of this House be directed to furnish the reviser of the laws a copy of the above resolution.

On motion of Mr. McKeen, of Lapeer,

*Resolved*, That the committee on roads and bridges be instructed to inquire into the expediency of appointing commissioners to lay out a state road from Lapeer county seat to Pontiac, in the county of Oakland, and report by bill or otherwise.

On motion of Mr. Smith, of Cass,

*Resolved*, That the committee on banks and incorporations be instructed to inquire into the expediency of providing by law for a uniform and equal system for the regulation of banking associations, thereby enabling associations to commence banking without any further legislation, by giving sufficient security to the state for the redemption of their bills, and that they be instructed to report by bill or otherwise.

On motion, adjourned.



*Tuesday, January 17.*

The House met pursuant to adjournment.

The roll being called, the journal of the preceding day was read.

The following petitions and remonstrances were presented and severally referred :

By Mr. Alden, of Branch,

A remonstrance of sundry inhabitants of said county, against the removal of the seat of justice of said county. Referred to the committee on removal of seats of justice.

Also, the petition of sundry inhabitants of said county, for a bank to be located at the village of Branch. Referred to the committee on banks and incorporations.

Also, of the same, for an act to incorporate a company to construct a railroad or canal from Allegan or Grand river, to the village of Branch. Referred to the committee on internal improvement.

By Mr. Ralph, of Hillsdale,

Of William Dugree and others, for a division of the township of Adams in said county. Referred to the committee on the organization of towns and counties.

Also, of sundry inhabitants of said county, for a bank at Jonesville. Referred to the committee on banks and incorporations.

By Mr. Calkin, of Macomb,

Of sundry inhabitants of the township of Clinton, in said county, for the organization of a new town. Referred to the committee on organization of towns and counties.

By Mr. Bingham, of Livingston,

Of sundry inhabitants of Oakland and Livingston, for a railroad charter with banking privileges. Referred to the committee on banks and incorporations.

The Chair announced the following as the select committee on the joint resolution instructing our senators and representative in Congress relative to pre-emption claims : Messrs. Ward, Kingsley, Convis, Cressey and Cornell.

Mr. McGaffey, from the select committee to whom was referred the joint resolution instructing our senators and represen-

tative in Congress relative to light-houses and harbors, reported the same with amendments, which report was accepted.

On motion of Mr. Purdy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by statute for enclosures of improved lands by good and sufficient fences.

On motion of Mr. McKeen.

*Resolved*, That the committee on the removal of seats of justice be instructed to inquire into the expediency of repealing the act entitled "An act to provide for establishing seats of justice, approved March 4th, 1836," and report by bill or otherwise.

On motion of Mr. Cressey,

*Resolved*, That the committee on banks and incorporations be instructed to inquire into the expediency of incorporating a State mutual insurance company, with authority to establish agencies in every county, and report by bill or otherwise.

The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives without amendment, the bill entitled "A bill to authorize Morris S. Hutchins and others to convey certain lands."

On motion of Mr. McGaffey,

*Resolved*, That the committee on printing be requested to inform this House at what time we are likely to receive a manual containing the rules of this House, and the report of the Superintendent of Public Instruction.

Mr. Alden called up the bill entitled "A bill to incorporate the village of Coldwater, in Branch county," with the amendments yesterday laid upon the table. Said bill was ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to light-houses and harbors, being under consideration, was committed to committee of the whole.

On motion, the House resolved itself into a committee of the whole, Mr. Brown in the chair, on the above resolution, and after spending some time therein, the committee rose, and reported the same back to the House with sundry amendments, which were concurred in, as follows:

*Resolved*, That our senators be instructed, and our representative in Congress be requested, to use their influence to procure the passage of a law making appropriations for light-houses at New Buffalo, Kalamazoo river, North and South Black river, Grand river, Saginaw river, and at Windmill point at the outlet of Lake St. Clair :

And for the improvement of the harbors at the mouth of said rivers ; also, at New Buffalo and Havre bay, and the mouth of Stoney creek in Monroe county, and Clinton river in Macomb county ; also, to build a light-house at the mouth of St. Marie's river ; also, to remove the bar in Lake George, in the straits of St. Marie, and to improve the harbor at Mackinac.

On motion, said resolution was ordered to be engrossed and read a third time to-morrow.

Mr. Alden, from former notice given, asked and obtained leave to bring in a bill entitled "A bill to incorporate the Michigan wool growing and manufacturing company ;" which on motion was committed to the committee on agriculture and manufactures.

Mr. Wing, from the committee on the removal of seats of justice, made the following report, accompanied with a bill, entitled "A bill to vacate the present seat of the county of Berrien, and to establish the same at the village of Berrien, in said county :"

#### REPORT.

Your committee have had under consideration the petition of seven hundred and twenty-two inhabitants of the county of Berrien, praying the removal of the seat of justice, from the village of St. Joseph, to the village of Berrien, in that county.

The petitioners allege that the present seat of justice is located at a very inconvenient distance from the centre of the county ; that the southern part of the county, from its great extent and peculiar adaptation to agricultural purposes, will continue to be the most densely populated section of the county ; that the village of Berrien is the most eligible point for the seat of justice in said county ; that this village is situate on the river St. Joseph, very near the geographical centre of the county, and is easily approached from all parts of the county.

Judging from an examination of the map of this county, and from the statements of gentlemen residing in that part of the

county, made before us, your committee are satisfied that the facts set forth in the petition are true—that the present seat of justice of said county ought to be vacated, and that the same should be established at the village of Berrien.

In arriving at this conclusion, your committee have not been unmindful of the consideration, that when the seat of justice, in a particular county, has been selected by impartial commissioners, and their decision has been confirmed by competent authority, the faith of the public is supposed to be, in some measure, pledged for its maintainance at the point selected, and that a change should not be made for slight or insufficient causes. County seats are supposed to be selected in reference to the convenience and best good of the public, and especially of the inhabitants of the counties in which they are located; and if the views of commissioners in the selection of a seat of justice, are not realized by the public, or from any cause, the convenience of a majority of the inhabitants of a county imperiously demand that a change should be made, your committee believe no breach of faith to the inhabitants of a village where a county seat may have been located, would result from a change of location.

In regard to the present county seat of the county of Berrien, your committee can well believe that at the time it was located, there did exist, and do still exist, many reasons in favor of its location at the village of St. Joseph, but that the reasons now urged against it, are stronger than any that can be urged in its favor. The village of St. Joseph is situate at one end of the county, on the border of Lake Michigan, some fourteen miles from the geographical centre of the county; consequently, all the inhabitants of that county who reside east of the centre, and who, as suitors, witnesses or jurors, are compelled to attend court, or who have business at the public offices in that county, are compelled to travel some fourteen miles past the centre of the county to accomplish their business; many of the inhabitants have to travel, for such purposes, twenty-five and thirty miles. So great an inconvenience ought to be counterbalanced by a corresponding and unusual benefit, growing out of, or connected with, the present location. What this may be, or that there are particular benefits in any wise corresponding to the injury to a large class of the in-

habitants, resulting from the present location of the county seat, your committee have not been able to discover. It is true that the village of St. Joseph possesses very great commercial advantages, and that the merchants of this county may find it convenient and necessary for them to visit this place often in the course of each year, and that therefore their convenience would not require a change; but it is equally true that this class of men does not equal one-twentieth of the whole population of the county, whose business does not require of them to go to the village of St. Joseph, except it be to attend the courts and transact business at the public offices, and who are at least equally interested with them in the location of the public offices. In short, your committee are of the opinion that the county seat of this county ought to be changed to the village of Berrien; the convenience of all classes of men in that county would be more equally promoted, than it would to allow it to remain as it now is.

The proprietors of the village of Berrien have proposed to give to the county three lots adjoining the public square in said village, for public purposes; they have, also, proposed to reimburse to the proprietors and residents of the village of St. Joseph, such sums as they may have expended in the erection of public buildings.

Your committee have the honor to report a bill to vacate the present seat of justice, and to locate it at the village of Berrien, in said county.

After the reading of the report, on motion, said bill was read the first and second time and laid on the table.

Mr. Kingsley, from the committee to whom was referred two certain resolutions relative to the River Raisin and Lake Erie railroad company, made the following

#### REPORT.

The select committee appointed to investigate the conduct and affairs of the River Raisin and Lake Erie railroad company, to whom two resolutions were referred relative to that institution, respectfully report,

That they have attended to the duty assigned them, and are

able to state the following facts as the result of their attempts at investigation :

The president and two of the directors of that institution appeared before the committee, in obedience to a subpoena served on them. One of those directors refused to state under oath his knowledge of the transactions of said institution, denying the authority of your committee to require him so to do. This proves nothing positively, save the prudence of that director, but it furnishes strong grounds for a belief that he was acquainted with facts relating to the conduct and intentions of the conductors of that institution, which the public could not approve. The other director, and the president of the company, did not refuse to be examined under oath, and from them and other credible sources of information, it appeared that said company have caused a route for their contemplated railroad to be surveyed, at an expense of about two hundred and fifty dollars ; that they have purchased two village lots in the village of Monroe, of James Q. Adams, the president of said institution, for the sum of thirty thousand dollars ; that between seventeen and eighteen hundred dollars of the capital stock of said company is paid in ; that said company have an office in which they do their business at Monroe, and that by their laws they have made a president and cashier of said institution.

The company claim the right, by virtue of their charter, to discount, and to use banking powers to an unlimited extent, without any reference to the amount of their capital ; and they contend that all that power is given them by four lines in the eleventh section of the act for their incorporation, by which they are allowed " to grant such evidence of debt which may be incurred by said company, as may be by the by-laws thereof directed, to such an amount as shall be deemed necessary for transacting the business of the same." Although said company claim the privileges of other banks, without restraint or limitation, and intimate that they probably shall use that privilege within such limits as they shall prescribe ; yet they contend that they have not yet done, in the way of issuing evidences of debt, any thing more than the ordinary railroad companies in the state have a right to do, or more than a firm in trade have a right to do.

The company have issued about twenty-eight thousand dollars in the form of bank bills, on which appears the amount of the capital of their corporation; they are regularly signed by a president and cashier, and thus far they are all made payable to said J. Q. Adams, or bearer, at the office of said company in the city of Monroe. The president of said institution says that they have a right to issue their evidences of debt, on fine or coarse paper, in whatever form they please, and have them signed by such officers of the corporation as they shall direct; nor did he conceal the fact, that they had sent out their paper in the shape of bank bills, with a view to give them currency in community, as a circulating medium; this is claimed as a right, even without the aid of the said four lines. It is right to say that Mr. Adams stated to the committee, that only about twelve thousand dollars of the said twenty-eight thousand, were in circulation, the remainder being in the hands of individuals for the purpose of making exchanges, and that the same was within his control. He further stated that the company had seven or eight thousand dollars in specie and bills on other banks, to redeem the r outstanding notes. In addition to this, if the real estate of said corporation is always held subject to the payment of its debts, it is evidently solvent.

Your committee cannot discover any great injury that said corporation has done; but they cannot say they fear no danger from it. Impressed with the importance of keeping the circulating medium of our own state sound, and above suspicion, they cannot give countenance to the claims and conduct of said institution. Its president stated to the committee, that before any bills were issued, he took counsel of celebrated attorneys in the cities of New York and Philadelphia, upon the subject of the powers granted by said act of incorporation, and that it was their opinion, that the company had, by virtue of that act, unlimited banking powers; and he further stated, that the officers of that institution did not go to work unadvisedly. Still it is claimed that they have not yet commenced using those extraordinary privileges. It may here be asked, why attorneys at a distance were counselled in relation to the powers of said company. Did they think their rights doubtful? Were they afraid to discuss the matter nearer home? Did they not know themselves, whether they had not



what they asked for? Did they wish to get an extraordinary privilege from the legislature, by smuggling a few lines into the middle of a section in a bill, of doubtful phraseology, that they might pass unnoticed? The committee believe such was the object of the company, or of those who acted for them. They are induced to believe so, from the fact, that the president of said institution, on being asked, though he knew, would not tell who first framed the bill, other than it was done in Monroe, and not by a member of the legislature; from the fact, that the provision which they claim grants them so important powers, is put in an unusual place, evidently with a view to have it passed over by the legislature unnoticed; from the fact, that they themselves thought their powers doubtful, as they had not dared to draw the clause, which they claim grants them those powers, in sufficiently clear terms, lest it should be noticed by those whom they asked to grant them other and unobjectionable privileges; and from the fact, that said company have put into circulation their paper, which they call evidences of debt, in the dress of ordinary bank bills, for the sole purpose of giving them a passport in community as money. It is worthy of remark, that Mr. Adams stated to the committee that he sold the company said two lots in Monroe, and they, the directors of said company, or he, for them, gave a certificate to that effect; and it appeared also, from the books of the company, that it was indebted to said Adams for the price of those lots. It may be asked, were not those two vouchers sufficient evidence of the indebtedness of the company to Mr. Adams? What necessity could there have been to send out into the world four or \$5,000—little evidences of the same indebtedness? It was also stated, that money had been given out of the office of the company, to individuals, who gave their receipts for it to said Adams, and who were to pay it in other money. Now, your committee cannot see the essential difference between giving a note for money so taken, or giving a receipt for it, nor do they think an institution of that kind do not use banking powers because they take a receipt of persons whom they have let money, instead of a note.

Your committee are clearly of the opinion that the charter of said company was conceived in fraud; that its originators design-



ed to get it through the legislature, containing provisions of doubtful construction unnoticed, by which they intended to claim the important privileges which they now exercise, and others still more important which they design hereafter to exercise; that the legislature which granted the charter to said company, did not intend to grant them banking powers, nor power to issue paper to be put in circulation as a circulating medium; and that the issuing such paper, purporting to come from an institution having the right to issue it, signed by a president and cashier, and bearing the usual marks of bank paper, with a view to give it circulation in community as money, is a direct fraud upon that community, especially as said company claim the right of using banking powers, without any stated capital, without limit, and exempt from the control or scrutiny of the legislative authority of the state.

Your committee differ from the opinion of the "Philadelphia lawyers," and believe that not only unlimited banking powers are not granted to said company, but that no banking powers are granted them by their charter. They further give it as their opinion, that said company, under color of powers granted them, have assumed powers, and exercised those not granted them, in violation of their chartered rights.

Your committee finally give it as their opinion, that it would be dangerous to the interest of the state to allow said institution to grow up uncontrolled and uncontrollable, with the monstrous pretensions of its present directors, and as it is the opinion of your committee that said company have violated their charter, they recommend that the act for the incorporation of said company be wholly repealed.

On motion of Mr. Convis, that the House accept the report, and that the committee be discharged from the further consideration of the subject, it was agreed to.

Said report was ordered to be laid upon the table, and double of the usual number of copies to be printed.

Mr. McGaffey asked and obtained leave of absence for Mr. Eldred, of Kalamazoo.

Mr. Wing asked and obtained leave of absence for Mr. Ward, of Berrien.

Mr. Burbank asked and obtained leave of absence for Mr. Monfore, of Macomb.

Mr. Job Smith asked and obtained leave of absence for Mr. Martin, of Wayne.

Mr. Felch, of Monroe, upon leave granted, presented certain papers and statements to accompany petition of certain citizens of Monroe, for a bank charter; which were referred to the committee on banks and incorporations.

Also gave notice that he should, on a future day, ask leave to bring in a bill to authorize the Governor to appoint a private secretary.

Mr. Convis, from the committee on ways and means, reported a bill, entitled "A bill to authorize the supervisor and township clerk of the township of Marshall, to lay a tax on the property assessed therein, in 1836;" which was read the first and second time and laid upon the table.

On motion, adjourned.

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*Wednesday, January 18.*

The roll being called, the journal of the preceding day was read.

The following petitions were presented and severally referred :  
By Mr. Bingham,

A petition from sundry inhabitants of Oakland and Livingston, for a railroad charter with banking privileges. Referred to the committee on banks and incorporations.

By Mr. Butler,

A petition of sundry inhabitants of the county of Hillsdale, praying the removal of the present county site to some more geographical position in said county, and that commissioners be appointed to establish the same. Referred to the committee on the removal of seats of justice.

Also, a petition of sundry inhabitants of the county of Lenawee, praying for a bank in the village of Rollin, in said county. Referred to the committee on banks and incorporations.

By Mr. Finch,

A petition from sundry inhabitants of Adrian, praying for a bank to be located in said village. Referred to committee on banks and incorporations.

By Mr. Roberts,

A petition from Charles Kimball and others, for a new town. Referred to the committee on the organization of towns and counties.

Mr. Kingsley, from the judiciary committee, made a report which was accepted and laid upon the table.

Mr. Wisner, from the committee on printing, made the following report, which was accepted and laid upon the table :

#### REPORT.

The committee on printing having been instructed to inform this House at what time we are likely to receive a manual containing the rules of this House and the report of the Superintendent of Public Instruction, beg leave respectfully to report:

That they have made inquiries of the state printer, respecting the publication of the manual, and have been informed by him, that sixty pages of the same are printed ; and that the remainder (comprising perhaps fifty pages more,) will be completed during the course of the present week. The state printer is of the opinion, that the manual will be laid on the tables of the members as soon as Monday, the 23d inst.

The report of the Superintendent of Public Instruction has been commenced, and is now progressing with all practical typographical speed. As it is not very lengthy, it will probably be comprised in a small volume of two hundred pages. The state printer thinks it will be ready for delivery to the members as soon as the first of February next. All which is respectfully submitted.

GEO. W. WISNER,

Chairman of Committee on Printing.

Mr. Alden offered the following resolution :

*Resolved*, That the committee on the judiciary be, and they are hereby, instructed to inquire into the wisdom and necessity of enacting and declaring,

1st. That all imposition upon either branch of the legislature for fraudulent purposes ;

2d. That the issuing and circulation by any corporations or

companies not having banking privileges, of any engraved or printed evidences of debt or promises to pay, having the likeness and similitude of bank notes, indictable offences, and declaring the punishment for the same.

Mr. Lothrop moved for a division of the question on the adoption of the resolution.

On motion of Mr. Wisner, the resolution was laid upon the table.

Mr. Convis offered the following resolution :

*Resolved*, That the judiciary committee be instructed to report a bill repealing the act entitled " An act to incorporate the stockholders of the River Raisin and Lake Erie railroad company."

On motion of Mr. Lothrop, the resolution was laid upon the table.

The report of the select committee on the contested election of the counties of Saginaw, Genesee and Shiawassee, coming under the special order of the day, was taken up. The question being on the adoption of the first resolution in said report,

After some discussion, on motion, the report and resolutions were laid upon the table.

On motion,

The House resumed the consideration in committee of the whole, Mr. Alden in the chair, in the matter of the contested election in the county of St. Clair, and after spending some time therein, the committee rose and reported to the House the following resolution:

*Resolved*, That the subject now before the committee of the whole, in relation to the gentlemen claiming seats in this House as members of the House of Representatives from the county of St. Clair, be referred back to the people of said district.

The question being upon concurring in the report of the committee of the whole,

Mr. Felch moved to amend the same by substituting the following :

*Resolved*, That on account of irregularity and uncertainty in the votes and returns of the election in the district of St. Clair, the seat of the member of this House for that district be, and the same is hereby, declared vacant.

*Resolved*, That the Speaker of the House transmit to the Executive of this state a copy of the above resolution, to the end that a new election may be ordered to fill the vacancy.

On motion of Mr. Roberts, that the resolution and amendments lay upon the table until to-morrow, it was lost.

The question recurring on the amendment, it was adopted.

A message was received from the Senate through their secretary as follows :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, without amendment, the bill entitled “ A bill to repeal so much of the second section as relates to the rate of interest, of an act entitled ‘ An act to authorize the board of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,’ approved March 24th, 1836,” and the joint resolution instructing our senators in Congress relative to certain matters therein named.

On motion, adjourned.

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*Thursday, January 19.*

The House met pursuant to adjournment.

The roll being called, the journal of the preceding day was read.

The following petitions were presented and severally referred :

By Mr. Yerkes, of Oakland,

Of sundry inhabitants of the township of Farmington, relative to the sale of school lands. Referred to the committee on university and school lands.

By Mr. Butler, of Lenawee,

Of sundry inhabitants of Hillsdale county, praying for the removal of the present seat of justice of said county, and that commissioners be appointed to establish the same. Referred to the committee on the removal of seats of justice.

By Mr. McKeen, of Lapeer,

Of same, praying for the same. Referred to the same committee.

By Mr. Bingham, of Livingston,

Of Sardis Davis and others, praying for the organization of a certain township in said county. Referred to the committee on the organization of towns and counties.

Also of Conrad Hayner and others, for a railroad charter for a railroad from Detroit to the rapids of Grand river. Referred to the committee on internal improvement.

Mr. Ely, of Allegan, from the committee on internal improvement, to whom was referred the report of the directors of the St. Clair and Romeo railroad company, moved that the report be printed, which was agreed to.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the bill entitled "A bill to repeal so much of the second section as relates to the rate of interest, of an act entitled 'An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24th, 1836." Also "A bill to authorize Morris S. Hutchins and others to convey certain lands."

Mr. Finch, of Lenawee, moved the suspension of the twenty-first rule, in order to introduce the following resolution:

*Resolved*, That leave be granted, without previous notice, to bring in a bill to authorize Abigail Shumway to convey certain lands, which motion was granted, and Mr. Finch obtained leave to bring in said bill.

Mr. Lee gave notice that he should, on some future day, ask leave to bring in a bill to extend the time for collecting the state tax.

Mr. Felch, of Monroe, from previous notice given, asked and obtained leave to bring in a bill entitled "A bill to authorize the Governor to appoint a private secretary," which bill was read the first and second time, and laid on the table.

Mr. Ward, of Berrien, from the committee on the removal of seats of justice, to whom was referred the report of the commissioners appointed to review the county seat of Branch county, and certain other documents relating thereto, made the following report, which was read, laid on the table, and ordered to be printed.

#### REPORT.

The committee to whom was referred the report of the com-

missioners appointed under the act of the legislature to review the seat of justice of Branch county, most respectfully beg leave to report :

That said commissioners unanimously agreed that the present location ought to be vacated, and recommend that the seat of justice of said county be established at the village of Mason, and that no improvements for county purposes have been made at Branch, the present seat of justice.

By a reference to the act providing for the review of the seat of justice of the county of Branch, it will be perceived that the second section of said act requires the commissioners to examine and report upon the propriety of vacating the present seat of justice of said county. But as the commissioners have not presented to this House any good or sufficient reasons why the present county seat of the said county should be vacated and established at Mason, and as sundry remonstrances were referred to your committee against the confirmation of the report of said commissioners, setting forth that great dissatisfaction exists against the removal of said seat of justice from the village of Branch to that of Mason ; and that the said village of Mason is situated upon the borders of stagnant water, which will forever render it an unhealthy place of residence ; and further, that the said village of Mason cannot be approached by roads from the north or south, except by circuitous routes ; your committee, therefore, thought proper to admit verbal statements to be made by the representative of the county of Branch, who appeared in behalf of those favorable to a removal of said seat of justice from Branch to Mason, and stated that the village of Branch, the present county seat, is situated three-fourths of a mile south of the Chicago road, the great and most important thoroughfare through said county ; that it is impracticable to construct a good road from the Chicago road to the village of Branch, the lands through which it must pass being wet and heavy timbered, and said road, however well made, can never divert the travel from the Chicago road ; that a general dissatisfaction does now, and has ever existed with a decided majority of the people of Branch county, against the continuance of the seat of justice at the village of Branch ; that the said village of Branch can never become a business centre of said

county, and that the inhabitants of Branch county will never be satisfied until the seat of justice is removed to Mason, or some other point on the Chicago road.

Your committee, after having weighed thoroughly the statements made by those for and against the removal of the seat of justice from Branch to the village of Mason, are of the opinion, in the absence of facts which should have accompanied the report of the commissioners, and in view of the statements contained in the remonstrances, that the report of the commissioners ought not to be confirmed.

All of which, together with the following resolution, is most respectfully submitted.

R. E. WARD,

Chairman of the committee on the removal of seats of justice.

*January 19, 1837.*

*Resolved by the House of Representatives,* That the report of William H. Hoeg, Charles Grant and Hiram Wightman, commissioners appointed to review the county seat of Branch, is not in accordance with the provisions of the act providing for their appointment, and that there are no sufficient reasons why this House should confirm said report.

On motion of Mr. Allen,

The said committee was discharged from the further consideration of the subject of said report.

The following report of the select committee on the contested election from the counties of Saginaw, Genesee and Shiawassee, coming under the special order of the day, was taken up.

#### REPORT.

The committee on the contested election from the representative district composed of Saginaw, Genesee and Shiawassee, beg leave to report that they have had the subject under consideration, but are unable to find the official return of the late election in the county of Saginaw. Although it has passed through the office of Secretary of State, and the hands of a former committee, as appears by their report, it cannot now be found. It is either lost or mislaid, and we have no documentary evidence showing what number of votes were given for Mr. Mosely, without sending to the county of Saginaw. But your committee understood



Mr. Mosely to admit that Mr. Smith had the highest number of votes for representative in said district. And as this fact has never been contested, the committee feel warranted in saying that so far as the number of votes was requisite, Mr. Smith would have been elected to a seat in this House, if all the votes in said district are considered.

But your committee find much to cause them to believe that neither of the individuals have been elected and the returns made strictly in pursuance with the provisions of the constitution; therefore,

1st. *Resolved*, That the seat of William F. Mosely, from the district composed of Saginaw, Genesee and Shiawassee, be, and the same is hereby, vacated.

2nd. *Resolved*, That the question upon the contested election from said district be referred back to the people.

3d. *Resolved*, That William F. Mosely and James R. Smith be privileged to sit in this House until a new election takes place, with the privileges of other members, except the right of voting.

N. McGAFFEY, Chairman.

The question being upon the adoption of the first resolution, Mr. Ely moved the indefinite postponement of the subject, which motion was negatived.

The question recurring upon the adoption of the first resolution, it was, on motion of Mr. McKeen, of Lapeer, decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Alden,	Mr. Felch,	Mr. Purdy,	
Mr. Brown,	Mr. Farrington,	Mr. Ralph,	
Mr. Bingham,	Mr. Foote,	Mr. Shattuck,	13
Mr. Burbank,	Mr. Herrington,	Mr. Jos. Smith,	
Mr. Ballard,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Burke,	Mr. Kingsley,	Mr. Wing,	
Mr. Calkin,	Mr. Lothrop,	Mr. Ward,	
Mr. Cornell,	Mr. McGaffey,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Martin,		

#### NAYS.

Mr. Almy,	Mr. Ely,	Mr. Job Smith,	
Mr. Butler,	Mr. Finch,	Mr. Thayer,	
Mr. Cressey,	Mr. Gilbert,	Mr. Wisner,	
Mr. Convis,	Mr. McKeen,	Mr. Speaker,	14
Mr. Colbath,	Mr. Phillips,		

The question being upon the adoption of the second resolution, Mr. McGaffey, of St. Joseph, offered the following as a substitute :

*Resolved*, That Jeremiah R. Smith, having been duly elected a representative from the district composed of the counties of Saginaw, Genesee and Shiawassee, is entitled to a seat in this House.

The question being upon the adoption of the substitute, it was, on motion of Mr. Convis, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Brown,	Mr. Foote,	Mr. Ralph,	
Mr. Bingham,	Mr. Herrington,	Mr. Shattuck,	
Mr. Ballard,	Mr. Lothrop,	Mr. Jos. Smith,	
Mr. Burke,	Mr. McGaffey,	Mr. Wisner,	
Mr. Calkin,	Mr. Purdy,	Mr. Yerkes,	16
Mr. Ferrington,			

## NAYS.

Mr. Alden,	Mr. Felch,	Mr. McKeen,	
Mr. Almy,	Mr. Farrington,	Mr. Phillips,	
Mr. Burbank,	Mr. Finch,	Mr. Job Smith,	
Mr. Butler,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Cressey,	Mr. Howe,	Mr. Thayer,	
Mr. Convis,	Mr. Kellogg,	Mr. Wing,	
Mr. Cornell,	Mr. Kingsley,	Mr. Ward,	
Mr. Colbath,	Mr. Lee,	Mr. Speaker,	26
Mr. Ely,	Mr. Martin,		

The question recurring upon the adoption of the second resolution, it was, on motion of Mr. Convis, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Felch,	Mr. McKeen,	
Mr. Almy,	Mr. Farrington,	Mr. Phillips,	
Mr. Burbank,	Mr. Finch,	Mr. Job Smith,	
Mr. Butler,	Mr. Foote,	Mr. Jos. Smith,	
Mr. Ballard,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Cressey,	Mr. Howe,	Mr. Thayer,	
Mr. Calkin,	Mr. Kellogg,	Mr. Wing,	
Mr. Convis,	Mr. Kingsley,	Mr. Ward,	
Mr. Cornell,	Mr. Lee,	Mr. Yerkes,	
Mr. Colbath,	Mr. Lothrop,	Mr. Speaker,	32
Mr. Ely,	Mr. Martin,		

NAYS.

Mr. Brown,	Mr. Herrington,	Mr. Ralph,	
Mr. Bingham,	Mr. McGaffey,	Mr. Shattuck,	
Mr. Burke,	Mr. Purdy,	Mr. Wisner,	10
Mr. Ferrington,			

The question being upon the adoption of the third resolution, it was, on motion of Mr. Convis, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Farrington,	Mr. Phillips,	
Mr. Alden,	Mr. Finch,	Mr. Ralph,	
Mr. Brown,	Mr. Gilbert,	Mr. Job Smith,	
Mr. Burbank,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Butler,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Ballard,	Mr. Lee,	Mr. Thayer,	
Mr. Cornell,	Mr. Martin,	Mr. Wisner,	
Mr. Colbath,	Mr. McKeen,	Mr. Ward,	
Mr. Ely,	Mr. Purdy,	Mr. Yerkes,	28
Mr. Felch,			

NAYS.

Mr. Bingham,	Mr. Ferrington,	Mr. McGaffey,	
Mr. Burke,	Mr. Foote,	Mr. Jos. Smith,	
Mr. Cressey,	Mr. Herrington,	Mr. Wing,	
Mr. Calkin,	Mr. Howe,	Mr. Speaker,	14
Mr. Convis,	Mr. Lothrop,		

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, without amendment, the bill entitled "A bill to authorize the administrator on the estate of Israel Owen, late of the county of Monroe, state of Michigan, deceased, to make and execute a deed of certain real estate," and also transmit herewith a bill which has passed the Senate, entitled "A bill to legalize the assessment roll of the township of Cottrelville, in the county of St. Clair, for 1836," in which the concurrence of the House of Representatives is respectfully requested.

Mr. Wing asked and obtained leave of absence for Mr. Felch, until Monday next.

The engrossed bill to incorporate the village of Coldwater, in

Branch county, was taken up, and on motion, laid on the table and ordered to be read a third time to-morrow.

Mr. Ward, of Berrien, moved for a reconsideration of the vote on the third resolution in the report of the committee on the contested election from the counties of Saginaw, Genesee and Shiawassee, which was, on motion, laid upon the table until to-morrow.

On motion, the House adjourned.

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*Friday, January 20.*

The House met pursuant to adjournment.

The roll being called, the journal of the previous day was read.

Mr. Ralph asked and obtained leave of absence for Mr. Levake.

Mr. Butler asked and obtained leave of absence for Mr. Ballard.

Mr. Bingham asked and obtained leave of absence for Mr. Kellogg, until Monday next.

Also, for Mr. Purdy.

Mr. Convis asked and obtained leave of absence for Mr. Ely, until Monday next.

The following petitions were presented and severally referred:

By Mr. Butler, of Lenawee,

Of sundry inhabitants of Hillsdale county, praying for the removal of the present seat of justice of said county. Referred to the committee on the removal of seats of justice.

By Mr. Finch, of Lenawee,

Of sundry inhabitants of said county, praying for an act to authorize the board of supervisors of said county to raise fifteen hundred dollars for building a register's office in said county. On motion, the petition was referred to a select committee of three members.

The Chair announced the following as said committee: Messrs. Finch, Bingham and Martin.

By Mr. Bingham, of Livingston,

Of James H. Miller and others, for a charter for a railroad

from Detroit to Grand river rapids. Referred to the committee on internal improvement.

By Mr. Ralph, of Hillsdale,

A remonstrance of sundry inhabitants of said county, against the removal of the present seat of justice of said county. Referred to the committee on the removal of seats of justice.

By Mr. Calkin, of Macomb,

Of sundry inhabitants of said county, for the organization of a new town. Referred to the committee on the organization of towns and counties.

By Mr. Gilbert, of Macomb,

Of Carlos W. Brown and others, praying for the organization of a certain town in said county. Referred to the committee on the organization of towns and counties.

By Mr. Smith, of Cass,

Of sundry inhabitants of Van Buren county, praying for the organization of a certain town. Referred to the committee on the organization of towns and counties.

Mr. Convis, of Calhoun, laid on the table the following :

*Resolved*, That, if the Senate concur, the legislature adjourn on the fourth day of March next.

The motion of Mr. Ward, laid on the table yesterday, relative to the reconsideration of the vote taken on the third resolution, reported by the select committee on the contested election from the counties of Saginaw, Genesee and Shiawassee, was taken up, and the vote on the adoption of said resolution was reconsidered.

Mr. Convis, of Calhoun, moved the indefinite postponement of the resolution, which motion was carried.

On motion of Mr. Ward, of Berrien,

*Resolved by the House of Representatives*, That any resolutions allowing to E. J. Roberts, John S. Heath and Jeremiah Smith, seats upon this floor, be, and the same are hereby, rescinded, and that they be entitled to their per diem allowance and mileage until and to include this day.

On motion of Mr. Wing, of Monroe,

*Resolved*, That the committee on elections be instructed to ascertain what amendments are necessary in the present election

laws of this state, to carry into effect the provisions of the constitution relative to the election of senators and representatives to the state legislature, and also relative to the election of a representative in Congress, and that they report by bill or otherwise.

On motion of Mr. Cornell,

*Resolved*, That the Secretary of State be, and is hereby, directed to furnish a bound copy of the journal of the last House of Representatives, to each member of this House.

Mr. Lothrop, of Kalamazoo, laid on the table the following :

“ A joint standing rule of the Senate and House of Representatives of the state of Michigan.”

No act of incorporation shall be sent from either House to the Executive for his approval within three days of the day fixed as the time for the adjournment of this session of the legislature.

Mr. Convis, of Calhoun, called up the resolution by him heretofore laid on the table, relative to instructing the judiciary committee to report a bill repealing the act incorporating the Lake Erie and River Raisin railroad company.

Mr. Calkin moved the following as a substitute, which was negatived.

*Resolved*, That the committee on the judiciary be instructed to inquire into and report to this House the propriety of instructing the Attorney General of this state to commence legal proceedings against the River Raisin and Lake Erie railroad company, for the purpose of annulling their charter, and also to report on the right and expediency of the legislature repealing the act incorporating said company.

The original resolution was then adopted as follows :

*Resolved*, That the judiciary committee be instructed to report a bill repealing the act entitled “ An act to incorporate the stockholders of the River Raisin and Lake Erie railroad company.”

Mr. Wisner laid on the table the following :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing the charters of all incorporated companies in this state.

Mr. Alden, of Branch, from the committee on enrolment, reported as correctly enrolled the joint resolution instructing our senators in Congress relative to certain matters therein contained.

On motion of Mr. Alden, of Branch, the engrossed bill entitled "A bill to incorporate the village of Coldwater in the county of Branch," was taken up and read the third time. The question being upon its passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Farrington,	Mr. McGaffey,
Mr. Almy,	Mr. Finch,	Mr. Phillips,
Mr. Bingham,	Mr. Foote,	Mr. Ralph,
Mr. Butler,	Mr. Gilbert,	Mr. Job Smith,
Mr. Burke,	Mr. Herrington,	Mr. Shattuck,
Mr. Cressey,	Mr. Haskins,	Mr. Joseph Smith,
Mr. Calkin,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Convis,	Mr. King,	Mr. Wing,
Mr. Cornell,	Mr. Lee,	Mr. Wisner,
Mr. Colbath,	Mr. Lothrop,	Mr. Yerkes,
Mr. Ferrington,	Mr. Martin,	Mr. Speaker,

33

## NAYS.

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The bill from the Senate to legalize the assessment of taxes for 1836, in the township of Cottrelville, St. Clair county, was taken up, read the first and second time, and on motion committed to the committee of the whole House.

Mr. Finch, of Lenawee, on leave previously obtained, introduced "A bill to authorize Abigail Shumway, administratrix on the estate of Levi Shumway, late of the county of Lenawee and state of Michigan, deceased, to sell and convey certain pieces and parcels of real estate," which was read twice and laid on the table.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Convis in the chair, on the bill entitled "A bill to legalize the assessment of taxes for 1836, in the township of Cottrelville, St. Clair county," and after spending some time therein, the committee rose and through their chairman reported the same without amendment. On motion, said bill was laid on the table and ordered to be read the third time to-morrow.

Mr. Kingsley called up the following report of the judiciary committee, which was read and adopted :

The judiciary committee, to whom was referred that part of the Governor's message relating to imprisonment for debt,

REPORT:

That the commissioner appointed to arrange and digest a code of laws for the state, be instructed to make provision in that code for the abolishment of imprisonment for debt, on all contracts made after said code shall be in force; but in cases where the debtor has been guilty of fraud in contracting the debt, or of fraud in concealing or making way with the means of payment, that he make full provision for eliciting evidence of such fraud, and for punishing for the commission of the same when proved, by imprisonment or otherwise; and further, that a copy of this report be given to said commissioner.

On motion of Mr. McKeen,

The House resolved itself into a committee of the whole, Mr. McGaffey in the chair, on the bill entitled "A bill to authorize the board of supervisors of the county of Lapeer to loan a certain sum of money," and after spending some time therein, the committee rose and through their chairman reported the same to the House with sundry amendments, which were concurred in. On motion, said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Kingsley moved the suspension of the twenty-first rule, which was agreed to, and asked and obtained leave to introduce a bill entitled "A bill to regulate the election for the county of Shiawassee."

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Burbank in the chair, on said bill, and after spending some time therein, rose and reported the same to the House without amendment.

The rule being on motion suspended, said bill was read the third time and passed.

Mr. Alden, on leave granted, presented the petition of sundry inhabitants of Oakland county, praying for the incorporation of a wool growing and manufacturing company. Referred to the committee on agriculture and manufactures.

On motion, adjourned.



*Saturday, January 21.*

The House met pursuant to adjournment.

The roll being called, the journal of the previous day was read.

Mr. McKeen asked and obtained leave of absence for Mr. Cressey, until Tuesday next.

Mr. Ward asked and obtained leave of absence for Mr. Almy.

Mr. Howe asked and obtained leave of absence for Mr. Shattuck, until Tuesday next.

The following petitions were presented and severally referred:

By Mr. Butler, of Lenawee,

Of sundry inhabitants of Hillsdale, praying for the removal of the present seat of justice of said county. Referred to the committee on removal of seats of justice.

By Mr. Calkin, of Macomb,

Of sundry inhabitants of said county, on the subject of county buildings. Referred to the select committee on that subject.

Mr. Convis, of Calhoun, called up the petition of Joseph Sibley and others, heretofore laid on the table, praying for authority to construct a dam on the Kalamazoo river. Referred to the committee on university and school lands.

Mr. Lee presented the petition of Samuel Colbath, praying for compensation for his services as a soldier in maintaining the supremacy of the laws in 1835. Referred to the committee on claims.

The Chair presented the petition of Thomas Snyder, praying for compensation as a witness in a certain case therein stated. Referred to the committee on claims.

Mr. Lee, from the judiciary committee, which was instructed to report a bill to repeal an act entitled "An act to incorporate the River Raisin and Lake Erie railroad company," reported a bill accordingly, which was read the first and second time and laid on the table.

On motion of Mr. Lothrop, of Kalamazoo,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the joint select committee appointed to investigate the affairs of the "Bank of Monroe" and other banks, be directed to proceed forthwith to the village of Monroe and investigate the affairs of said bank.

*Resolved*, That this resolution be sent to the Senate for its concurrence.

Mr. Convis called up the resolution yesterday laid on the table by him, relative to the adjournment of the legislature, which, on motion of Mr. Alden, was laid upon the table.

The engrossed bill from the Senate entitled "A bill to legalize the assessment roll of the township of Cottrelville, in St. Clair county, for 1836," coming under the special orders of the day, was taken up, read the third time and passed.

The bill from the Senate entitled "A bill to fix the time of the annual meeting of the legislature," being under consideration, on motion of Mr. Convis,

The House resolved itself into a committee of the whole, Mr. Wing in the chair, on said bill, and after spending some time therein, the committee rose and through their chairman reported the same to the House with an amendment, which was concurred in.

The engrossed bill entitled "A bill to authorize the board of supervisors of Lapeer county to loan a certain sum of money," being under consideration, was read the third time and passed.

Mr. Ward moved to lay the orders of the day on the table, in order to present a petition from sundry inhabitants of the state, praying for an act to incorporate a joint stock company to construct a canal around the Falls of St. Marie, which motion was granted. Said petition was presented and referred to the select committee on that subject.

On motion of Mr. Convis, the orders of the day were again taken up.

The engrossed resolution, "A joint resolution instructing our senators and representative in Congress, relative to light-houses and harbors," was taken up, read the third time and passed.

On motion of Mr. Ward,

The House resolved itself into a committee of the whole, Mr. Wisner in the chair, on the bill entitled "A bill to vacate the present seat of justice of Berrien county, and to establish the same at the village of Berrien, in said county," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred

in. Said bill was ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Convis,

The House resolved itself into a committee of the whole, Mr. Butler in the chair, on the bill entitled "A bill to regulate the interest of money," and after spending some time therein, the committee rose and reported the same to the House, and on motion of Mr. Lothrop, said bill was recommitted to a select committee of five, consisting of Messrs. Lothrop, Wing, Convis, Finch and Phillips.

On motion, adjourned.

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*Monday, January 23.*

The House met pursuant to adjournment.

The Chair presented the following communication from the Auditor General :

*To the Hon. the Senate*

*and House of Representatives :*

I herewith transmit my account for contingent expenses from December 24th, 1835, to the 1st instant, part of which was incurred under the late territorial government, and the rest under our present state government, all of which is respectfully submitted for allowance.

I have the honor to be,

Your most obedient servant,

ROBERT ABBOTT,

Auditor General state of Michigan.

*Detroit, Jan. 2, 1837.*

On motion,

Said account was referred to the committee of ways and means.

The following communication was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, without amendment, the bill entitled "A bill to regulate the election for the coun-

ty of Shiawassee ;" and also transmit a " Resolution relative to appropriations for certain light-houses," &c., which has passed the Senate, and in which they respectfully ask the concurrence of the House of Representatives.

The following petitions were presented and severally referred :

By the Chair,

Of Robert Abbott, executor of Mary Abbott, for a law to enable him to sell certain real estate. Referred to the committee on the judiciary.

By Mr. Butler, of Lenawee,

Of sundry inhabitants of Hillsdale county, praying for the removal of the present seat of justice of said county. Referred to the committee on removal of seats of justice.

By Mr. Alden, of Branch,

A remonstrance of William McClerg and others, against the division of a certain township in said county. Referred to the committee on the organization of towns and counties.

By Mr. Ralph, of Hillsdale,

A remonstrance of sundry inhabitants of said county against the removal of the present seat of justice of said county. Referred to the committee on the removal of seats of justice.

By Mr. McGaffey, of St. Joseph,

Of sundry merchants of White Pigeon, praying for a law increasing the tax upon pedlers. On motion, said petition was referred to a select committee of five members, consisting of Messrs. McGaffey, Lee, Herrington, Convis and Howe.

Mr. Butler presented the claim of H. N. Baldwin for expenses incurred and horses furnished the state in 1835. Referred to the committee on claims.

Mr. Finch, of Lenawee, from the select committee to which was referred the petition of sundry inhabitants of said county, relative to authorizing the board of supervisors of said county to raise \$1,500 to build a fire proof register's office in Adrian, reported a bill entitled " An act authorizing and requiring the supervisors of the county of Lenawee to build a fire proof register's office," which was read the first and second time, and laid on the table.

Mr. Wing, of Monroe, from the joint select committee on the

part of the House, to whom was referred the joint resolution of the Senate and House of Representatives, relative to the banking incorporations of this state, made the following report, which was accepted.

### REPORT.

The select committee of this House, to whom was referred the joint resolution of the Senate and House of Representatives relative to the bank of Monroe, &c., beg leave to report :

That they have examined the charters of the several banks of this state, and they are satisfied that the powers contemplated by the resolution in question, are not expressly reserved to the legislature ; the committee appointed by the Senate appear to have arrived at the same conclusion, and they therefore decline any further action in the premises.

Your committee would further report that the mode by which the legislature are authorized to obtain information relative to the condition of the several banks, is pointed out in their respective charters, by the provisions of which, the directors of these banks are required, upon the request of the Governor and legislature, to exhibit a statement, under oath, showing the situation of their affairs.

Your committee therefore ask to be discharged from the further consideration of said resolution.

Mr. Ward, of Berrien, from the committee on the removal of seats of justice, reported a bill entitled " A bill to amend an act entitled ' An act to provide for establishing seats of justice,' " which was read the first and second time, and laid on the table.

Mr. McGaffey, of St. Joseph, from the committee on the expiration of laws, &c., reported a bill entitled " A bill to provide for taking the census," which was read the first and second time, and laid on the table.

Mr. Cressey, of Lenawee, from the committee on the organization of towns and counties, reported a bill entitled " An act to organize the counties of Van Buren and Eaton," which was read the first and second time, and laid on the table.

On motion of Mr. Convis, of Calhoun,

*Resolved*, That the commissioner appointed to revise the laws,

be requested to take into consideration the propriety of repealing so much of the act entitled "An act to restrain incorporated banking associations," as prohibits private persons or associations receiving deposits, discounting notes or bills, or dealing in promissory notes and bills of exchange.

*Resolved*, That the clerk of this House be directed to furnish the reviser a copy of the above resolution.

On motion of Mr. Yerkes, of Oakland,

*Resolved*, That the committee on roads and bridges be instructed to inquire into the expediency of increasing the price of commutation for labor on roads, and to report by bill or otherwise.

On motion of Mr. Cornell,

*Resolved*, That the committee on banks and incorporations be instructed to inquire into the expediency of altering all the bank charters granted by the legislative council, and placing them upon the foundation of those granted by the last legislature, and to report by bill or otherwise.

Mr. Convis called up the bill entitled "A bill to provide for taking the census;" whereupon Mr. Lothrop offered the following resolution:

*Resolved*, That the bill reported by the committee on expiring laws, providing for taking the census, be referred back to said committee, with instructions to report a bill similar in its provisions to "An act providing for the taking a census," approved September 6, 1834.

On motion,

The bill and resolution were laid on the table.

The engrossed bill entitled "A bill to vacate the present seat of justice of Berrien county, and establish the same at the village of Berrien, in said county, coming under the special order of the day, was taken up and considered, and on motion of Mr. Ward, the first blank was filled by inserting "first day of May."

Mr. Wing, by unanimous consent of the House obtained, moved to amend said bill by adding to the second section the following:

"And provided further, that the title to said lots or such other lots as a majority of said supervisors shall select for public pur-

poses, shall have been previously vested in said county by proper deeds of conveyance;" which motion was agreed to. The bill, as amended, was then read a third time and passed.

The bill from the Senate, "A bill to authorize David Gilbert, a minor, to sell certain land therein described," was taken up, and on motion, laid on the table.

The joint resolution from the Senate relative to appropriations for building certain light-houses, &c., was taken up, read and concurred in.

Mr. Wing called up from the table the report made this morning of the joint select committee on the part of the House, relative to the banking incorporations of this state, and moved that the committee be discharged from the further consideration of the subject; which motion was decided in the affirmative, and the committee were discharged.

Mr. Convis moved that the vote on the acceptance of said report be reconsidered, which motion was decided in the negative; said report being under consideration,

Mr. Lothrop offered the following resolutions :

*Resolved*, That it is competent for either branch of this legislature, by its committees or agents appointed by them, to examine fully into the affairs and business of every incorporation within this state, to call for persons and papers, and examine under oath witnesses.

*Resolved*, That the select committee be instructed to report a bill providing for and regulating such examination.

On motion, said report and resolutions were laid upon the table.

On motion of Mr. Convis,

The bill reported this morning, "A bill to provide for taking the census," was taken up.

Mr. Lothrop renewed his motion for the adoption of the resolution offered by him, recommitting said bill to the select committee which reported the same, with certain instructions.

Mr. McKee moved to amend said resolution by striking out so much of the same as relates to instructions, which was agreed to.

The question recurring on the motion to recommit as amended, it was decided in the affirmative, and the bill was recommit-  
mitted.

The Chair announced Mr. Lee to fill the vacancy in the special committee relative to a ship canal around the Falls of St. Marie, occasioned by the seat of William F. Mosely being vacated.

Also Mr. Burbank, to fill the vacancy in the committee on Indian affairs. Mr. Haskins to fill the vacancy in the committee on ways and means. Mr. Farrington to fill the vacancy in the committee on enrolment, and Mr. Thayer to fill the vacancy in the committee on printing.

On motion, the House adjourned.

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*Tuesday, January 24.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred:

By Mr. McGaffey, of St. Joseph,

Of sundry merchants and others, of Norman, in said county, praying for an increase of taxes upon pedlars. Referred to the select committee on that subject.

By Mr. Wisner, of Oakland,

Of sundry inhabitants of the fifth senatorial district, praying for a charter for a timbered road from Bloomfield to Detroit. Referred to the committee on roads and bridges.

By Mr. Smith, of Cass,

Of sundry inhabitants of said county, for a bank at Edwardsburgh, in said county.

By Mr. Farrington, of Monroe,

Of sundry inhabitants of said county, praying for an equalization of taxes. Referred to the select committee on that subject.

By the Chair,

Of N. Champ, praying for an allowance for the support of prisoners in jail. Referred to the committee on claims.

Mr. Lothrop, from the committee on banks and incorporations, which was instructed to inquire into the expediency of passing a law incorporating the "Michigan insurance and loan company," reported that it is expedient to incorporate said company; which report was, on motion, laid upon the table.

Mr. Finch, from previous notice given, asked and obtained



leave to bring in a bill entitled "An act to incorporate the Lenawee county mutual insurance company;" which was read a first and second time, and laid upon the table.

Also, from previous notice given, asked and obtained leave to introduce a bill entitled "An act providing for judgments recorded and filed in the clerk's office, a lien upon real estate," which was read the first and second time, and on motion, committed to the committee on the judiciary.

Mr. Alden, from the committee on enrolment, reported as correctly enrolled "An act to regulate the election for the county of Shiawassee."

Mr. McGaffey, from the committee on expiration of laws, &c., to which was recommitted the bill, "A bill to provide for taking the census," reported the same to the House with an amendment.

Mr. Lee, of Washtenaw, offered the following:

Whereas, there being but one daily paper published in Detroit, and that being the only medium through which the proceedings of the House can come before the public daily,

*Resolved*, That this house recognize G. R. Lillibridge as reporter to the House for the journal and state register, and that he be entitled to a member's per diem allowance for his services for the time he shall report.

On motion of Mr. Ward, the preamble and resolution were laid upon the table.

Mr. Burbank laid upon the table the following resolution:

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the directors of the several banks in said state, be and they are hereby required to furnish the Governor, and the said Senate and House of Representatives, forthwith, "with a statement and return which shall state the amount of capital stock paid in, of the debts due the same, of the moneys deposited therein, of the notes in circulation and of the specie on hand," properly sworn to in the manner provided in the charters of the several banks.

Mr. Cressey moved to take up the resolution relative to the adjournment of the legislature, heretofore laid upon the table, which was negatived.

Mr. Alden moved to take up and consider the report of the

committee on the removal of seats of justice, heretofore made and laid upon the table, to which was referred the report of the commissioners appointed to review the seat of justice of Branch county, which motion was agreed to.

The question being upon the adoption of the resolution contained in said report,

On motion of Mr. Alden, the vote discharging said committee from the further consideration of the subject, was reconsidered, and the report, resolution and accompanying documents were recommitted to said committee.

On motion of Mr. Convis, the House resolved itself into a committee of the whole, Mr. Felch in the chair, on the following bills, viz. "A bill to authorize the supervisors and township clerk of the township of Marshall, to levy a tax on the property assessed in 1836;" "A bill to authorize the Governor to appoint a private secretary;" and "A bill to authorize Abigail Shumway, administratrix on the estate of Levi Shumway, late of the county of Lenawee, deceased, to sell certain pieces or parcels of real estate;" and after spending some time therein, the committee rose and through their chairman, reported the first and second named bills, to the House without amendment, and the third named bill with an amendment, which report was concurred in.

On motion of Mr. Convis, the bill authorizing the township clerk and supervisor of the township of Marshall to levy a tax on property assessed in 1836, was ordered to be engrossed and read the third time to-day.

The "bill authorizing Abigail Shumway, administratrix, &c. to sell certain pieces and parcels of real estate" being under consideration, Mr. Lothrop moved to amend the same by striking out all after the word "security" in the 21st line, and insert, "conditioned that all money arising from such sale shall be reinvested as is provided in the fourth section of "An act authorizing judges of probate to grant license to sell the real estate of minors and others," approved July 25, 1836, which was agreed to.

On motion of Mr. Felch, said bill and amendment were committed to the committee on the judiciary.

The unanimous consent of the House having been obtained, Mr. Convis offered the following:

*Resolved*, That the committee on the judiciary be requested to bring in a bill to amend an act entitled "An act to authorize judges of probate to grant license to sell the real estate of minors and others," which was agreed to.

The following communication was received from the Executive by Mr. Jackson, his private secretary:

*To the House of Representatives :*

I have this day approved and filed in the office of Secretary of State the following acts, viz :

"An act to authorize Morris S. Hutchins and others to convey certain lands."

"An act to repeal so much of the second section as relates to the rate of interest, of an act entitled 'An act to authorize the board of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved March 24, 1836."

"An act authorizing the administrator on the estate of Israel Owen, late of the county of Monroe and state of Michigan, deceased, to make and execute a deed of certain real estate."

"An act to regulate the election for the county of Shiawassee."

"An act to legalize the assessment roll in the township of Cottrelville, in the county of St. Clair, for the year 1836."

And also, "A joint resolution instructing our senators in Congress relative to certain matters contained therein."

STEVENS T. MASON.

*January 24, 1837.*

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit to the House of Representatives sundry joint resolutions entitled as follows, viz :

"A resolution relative to a port of entry at St. Joseph ;"

"A resolution relative to an appropriation for improving the navigation of the rivers of this state, and for other purposes ;"

"A resolution relative to daily mails on certain routes in this state," which have passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested : And also herewith return, without amendment, the

resolution from the House of Representatives, entitled "A joint resolution instructing our senators and representatives relative to light-houses and harbors."

The following joint resolutions from the Senate:

"A joint resolution relative to a port of entry at St. Joseph;" also, "A joint resolution relative to an appropriation for improving the navigation of the rivers of this state, and for other purposes," were, on motion, taken up and concurred in.

The joint resolution from the Senate, relative to a daily mail on certain routes in this state, being under consideration, on motion of Mr. Felch, the same was amended by striking out the words "liberality of," in the 11th line, and insert "liberal" in lieu thereof. The resolution as amended was then concurred in.

On motion of Mr. Felch, the "bill authorizing the Governor to appoint a private secretary," was ordered to be engrossed and read the third time to-morrow.

Mr. Monfore asked and obtained leave of absence for Mr. Calkin.

Also, gave notice that he should ask leave, on a future day, to bring in a bill to amend the charter of the "Shelby and Bell river railroad company," approved March 26th, 1836.

The unanimous consent of the House having been obtained, Mr. Alden, of Branch, presented the remonstrance of sundry inhabitants of said county, against the removal of the county seat of said county. Referred to the committee on the removal of seats of justice.

Mr. Ely, from the committee on internal improvements, to which was referred so much of the Governor's message as relates to that subject, made the following report, which was read and laid on the table, and one thousand copies ordered to be printed in pamphlet form.

The committee on internal improvement, to whom has been referred that part of the message of the Executive which relates to this subject, respectfully

#### REPORT:

That they have directed their best attention, within the limited time allowed them, to the important subject submitted by the

House, and have felt it their duty to express fully and freely their decided approbation of the measures therein proposed.

Before entering upon the immediate object of this report, a few preliminary observations may not be considered as irrelevant.

Not many years since, the peninsula of Michigan was scarcely known. A few military and trading posts were the sole traces of civilization upon the broad expanse of her magnificent solitudes. Shut out, apparently, by a wide waste of waters from the east, and almost destitute of internal communication with the south and west, she seemed to the careless eye doomed to a perpetual desolation. Struggling against a powerful enemy from without, and the savage foe within her borders—far from the protecting arm of the Union on the one side, and on the other defending herself, almost unaided, from the sudden and cruel incursions of the unsparing Indian, who, emerged from unknown fastnesses and supposed interminable marshes—her few and gallant inhabitants, the offspring of a chivalrous nation, hardly maintained their footing on her soil. Within the memory of some of her yet living inhabitants, such was her condition. The contrast which her present state exhibits can find no parallel but in the annals of our own country. The progress of centuries in other lands, is here realized in as many years. The sound of the falling forest is every where heard—abundant harvests usurp the rank luxuriance of her prairies—farms, villas and cities spring up on every side, under the magical hand of intelligent labor—the wide embracing arms of her surrounding seas bear to her indented shores a thousand keels, freighted with tribute to the enterprise and industry of her numerous and enlightened population. Peopled as Michigan is, in a great measure, from the most intelligent and enterprising of her sister states, she justly looks forward to stand beside them on an equal footing in the great family of states.

This can alone be accomplished, in the opinion of your committee, by advancing with them *pari passu* in the high road of national prosperity—internal improvement.

The subject of internal improvement is one which is occupying the intelligence of the age. Every portion of the civilized globe is emulously engaged in realizing its benefits. It is no

longer an experiment. It has ceased to be a question, whether the calm and peaceable occupations of a pastoral and agricultural life, are more conducive to human happiness than the excitement and activity of commerce and manufactures. Every portion of our community, whether near the seaboard or remote, is struggling to obtain its due share of the general wealth. The spirit of the age is to equalize the blessings of society. Internal improvement is the great lever which is opening the sealed up fountains of national wealth and civilization. It is forming highways for the march of advancement in the moral and social condition of our species; bringing the most remote together in honorable rivalry, and the most obscure into the light of the general intelligence. The romance of the past age is the reality of the present. Who would have credited a few years since, the possibility that the extremities of our vast republic, extending from clime to clime, would approach within a few days' journey of each other?—That the south, almost without a metaphor, would stretch out her hand overflowing with her luxuriant fruits, in exchange for the sterner products of the north?

It is but a few years since, that any considerable attempts have been made to establish an internal communication by railways for general purposes. The brilliant results which followed the experiments in England, fully established the superiority of this mode of conveyance; and the people of the United States, ever prompt to avail themselves of well tested improvements, have already advanced beyond her in the extent and magnificence of her public works. Her canals and railroads are spreading like arteries over the whole extent of her vast territory, kindling into power and healthy action the whole body politic.

The question for Michigan to decide is, whether she will by her own energies seize the present opportunity to avail herself of these vast viaducts of wealth and prosperity, and lead them laden with riches within her own borders, or whether by her timidity or apathy she will allow them to pass her by to swell the power and abundance of her wiser neighbors. By a glance at the map of the United States, with the courses of her present and proposed chain of intercommunication, it will appear manifest that Michigan is singularly fortunate, from her position, in

her ability to avail herself of its benefits. Lying near the head of the plain of the central or Mississippi valley, surrounded by navigable waters which afford easy access to almost the whole circumference of her territory, and affording her a rapid transit to an immense extent of country—with the ability to obtain the most rapid communication with Canada, New York, and the whole range of the eastern and middle states, on the one hand, and on the other, with the wide extended and fertile valley of the Mississippi—based upon the richest and most populous of the western states—with the power, by a slight effort to avail herself of the great chain of communication from the farthest south, she seems seated by nature in the very lap of wealth and power. To illustrate these, a brief survey of the most important of routes proposed, or in progress, is alone necessary. A great northern chain of communication is contemplated and partly in progress, between several of the Atlantic cities and the Mississippi—running through the centre of Massachusetts and New York, and connected by lines completed or in progress with Rhode Island, Connecticut, New Hampshire, Vermont and Pennsylvania. The Detroit and Niagara railroad, leading from Black Rock to Sandwich, nearly opposite to Detroit, which is chartered with most liberal provisions, over a route well adapted to the object, brings it to our own doors. Here then the duty of Michigan, to supply a most important link in this great work, commences, and her most strenuous efforts in aid of its completion, is pressed upon her by the strongest motives of interest. The speedy completion of the Detroit and St. Joseph railroad carries it to Lake Michigan; whence fifty miles of steam navigation. (or a railroad from St. Joseph river to the line of the state) unites with the works in progress from Chicago to the Illinois river, to complete the route to the Mississippi. Besides offering to her choice several Atlantic markets, she will become the middle ground for the transmission of the inexhaustible mineral and other treasures of the northwest, and the great mart for the exchange of these for foreign commodities essential to the wants and luxuries of a wide spread population, daily increasing in numbers and refinement. Added to which, with a small expenditure, she may avail herself of the great northern and southern lines of communication, one of which



extends from Philadelphia to Lake Erie, another from Charleston to Cincinnati, and from thence to the Maumee river, to which point we approach within but a few miles by roads already chartered. The contemplated New Orleans and Nashville railroad will undoubtedly find a union with some of the great western routes, and lead us, freed from the dangers of the Mississippi, to the extremity of the Union.

The present is in the opinion of your committee the proper period to carry through at once at least one perfect line of communication across the state. Already similar works threaten to divert the point of communication beyond our borders, and the wealth of our southern neighbors will be exercised, as their power has been, to add another to the invaluable benefits of which they have already deprived us. If we are wanting to ourselves at this crisis, the stream of trade will sweep by our southern boundary, and leave our people to regret for a loss which no future exertion can ever entirely restore.

In the prosecution of our plan of internal improvement, the great objects to be kept in view are the encouragement of all intercommunication with works that terminate upon our borders of a general character, and the completion of our portion of the chain in the most speedy manner which may be compatible with the resources of the state. To which should be added, the most liberal encouragement of all works of a local nature which will intersect the great leading parallel routes. This, in the opinion of your committee, will be most effectually performed, by the recovery of the control of such works of a general nature as are in the hands of private companies, and retaining others of a similar character, within its own power, for immediate construction as state works. All inferior designs, whose features are local, should be left open to the enterprize of private associations. The end in view being the prompt effectuation of a full development of our internal resources, the attempt by the state to grasp the entire control of all such works, will of necessity impede the progress of the whole.

A few leading routes in successful operation will excite the enterprize of every section of the country, while it will create and allure capital for the more rapid fulfilment of every design.



The waste of means, as well as the delays attendant upon the undertaking of too many projects at once, will create insurmountable embarrassments, as well from the delay of returns from the requisite investments, as the local and sectional struggles, from year to year, in every portion of the state.

This latter reflection induces the conviction of the paramount importance of adopting early a general plan of internal policy, before the increase of population and wealth, at particular points, shall oppose selfish views and local attachments to broad and liberal schemes of general improvement. In this view of the subject, much will be left to private effort and individual enterprise, and without doubt plans of improvement will be undertaken, eminently calculated to promote the general good. To such, when private means are inadequate to their execution, it is the duty and interest of the state to extend its aid by liberal appropriations. This aid can be extended by the government with advantage and safety, within proper limits and salutary restraints. Upon this system, the interest of the state will dictate the accomplishment, as soon as practicable, of two or more direct routes across the peninsula.

A railroad or other communication, extending through the southernmost tier of counties, will enable us to effect an easy junction with the extensive works now in progress, stretching through the states from east to west and from south to north, and which approach our southern border.

The Detroit and St. Joseph railroad will complete the chain of communication in progress, from the Atlantic to the Mississippi, through the middle portion of our peninsula. A railroad from Fort Gratiot to the mouth of Grand river, will unite the links of a contemplated route through the Canadas to the foot of Lake Huron. And passing through the counties of St. Clair, Lapeer, Genesee, Shiawassee, Clinton, Ionia, Kent and Ottawa, along the valleys of the Belle, Flint, Looking Glass and Grand rivers, to Lake Michigan, will, by a steam navigation of sixty miles, form, with a railroad (for which application is about being made to the legislature of Wisconsin,) from Milwaukee to Cassville, the shortest and most direct route to the Atlantic and Mississippi. This would command the trade and commerce of Wis-

consin and the Upper Mississippi, incalculable in amount from its fast developing mineral and agricultural wealth. A canal from the head waters of the Grand river to those of the Saginaw or Black river, is of manifest importance, and will materially tend to advance the growing interests of our valuable northern section. At some future period it may be found expedient to extend a railroad through the centre of the peninsula from the straits of Mackinac, to complete a chain of central communication through the whole length of the Union.

When it is considered that the year 1837 is but the tenth year since the first railroad in the United States was completed, and that of only three miles in extent—that the first used in the United States for conveying passengers, was opened but seven years ago—and that the first steamboat that ever floated upon the waters was thirty years ago, and compare the present state of such communication, it may justly kindle our pride as American citizens, and excite the energies and emulation of our youthful state.

Some judgment may be formed of the present extent and facilities, as well as the increase of internal communication, by a reference to the post routes of the United States. Fifty years ago, the extent of the post roads was one thousand eight hundred and seventy-five miles; in 1835, one hundred and twelve thousand seven hundred and forty-four miles. In daily or less frequent trips, the mails were carried on these routes twenty-five million eight hundred and sixty-nine thousand four hundred and eighty-six miles, of which immense distance, one million one hundred and seventy-seven thousand four hundred and sixty-three miles was at that time carried by steamboats and railroad cars. Within the last two years this has been greatly increased. The canals in the United States now finished, comprise upwards of two thousand miles in length. The railroads already completed, upwards of one thousand five hundred miles; and those now under contract or in progress amount to more than three thousand miles.

The magnificence and extent of these works now in progress or prospect, are unparalleled on the surface of the globe. When completed, they will form a continuous line of railroads

from Portland to New Orleans, and from various points on the Atlantic to the Mississippi.

If time and access to proper materials had allowed a detail of the internal improvements in each of the several states, showing their extent, cost, the means invested therein, the mode of their application and their results, would have presented a useful and safe guide to the judgment upon undertakings of this character.

In 1754, a convention of delegates from the English American colonies, met at Albany, for the purpose of forming a plan of union. In the event of its success, Philadelphia was proposed as the place for meeting, as being near the centre of the colonies. Dr. Franklin, endeavoring to urge its claims in the most favorable point of view, stated, that from its facility of access, the most distant members from New Hampshire and South Carolina, might reach Philadelphia in fifteen or twenty days. But such a change has now taken place, that we may travel with ease from Concord, the capital of New Hampshire, to Philadelphia, or from Boston to Washington, all the way in railroad cars and steamboats, a distance of about four hundred and fifty miles, in less than forty-eight hours. What has effected this amazing change, by which, within the memory of persons yet living, the great west has sprung into being? It is the intelligence and enterprize of our eastern brethren, sustained and borne forward by armies of foreign emigrants, who we have welcomed to our shores, and who have repaid us by subduing and fertilizing the soil, aided us in beating back the invader, and maintaining a long and prosperous peace, and stretched out the long lines of internal communication into the boundless magazine of national wealth.

Whatever will tend to multiply our population and increase the amount of industry, which is the prime and only source of wealth, and whatever may allure the investment of capital and skill to sustain and direct that industry, is manifestly the true policy of the state.

The formation of works of internal improvement, will lead the emigrant hither; will exercise his energies for our mutual advantage, and foster an attachment for the land of his adoption. The example of the whole west proves this system to be the corner stone of all its prosperity. The superstructure of agriculture,

trade, commerce and manufactures, will rise up in natural and inevitable order, "and the dignity of science and the blessings of of piety crown the whole with unfading lustre."

It has been justly said "that public opinion usually guides the application of the national resources, and these are always ready at the call of the public will." Upon this important subject, public opinion should be enlightened, and this can readily be accomplished by authorized surveys of the most practicable routes, and accurate estimates of their probable cost and advantages. These, with the contemplated geological survey, will direct the public mind to the subject—open to their view the resources of the state, and create a union of sentiment in regard to the common interest. The operation of the improvements themselves will force the subject upon the reflection of every member of community and enlist the common sense of all in its favor. Capital and skill will rush in from every quarter as an inevitable consequence, and a new impulse hurry on the whole system to a full consummation. The commercial and political effects will every where appear. The obvious truth will experimentally be demonstrated "that a part of the price, (and in many cases a considerable part) of every article of necessity or luxury consists of the cost of transporting it from the producer to the consumer; and consequently every abatement or saving in this cost must produce a corresponding deduction in the price of every article transported." The producer and consumer will be equally benefitted. The expense of transportation being decreased, a smaller portion of its value will be spent in bringing it to market, and consequently leave an increased surplus to reward the labor of the producer. If any objection could arise in the mind of the farmer, to the greater competition which will follow the facilities of access to market, it will readily occur to him on reflection that this is counterbalanced not only by the amount actually gained by the reduction on the transportation of his produce, but also by the operation of the same facility in cheapening to him the price of his exchange purchases. At the same time it must be obvious that these exchange purchases must be diminished in price by the augmented competition from the same causes. To this he should add the increased value of his land and the extension of the com-

forts and luxuries of life by depreciating the present prices which confine them exclusively to the wealthy.

But these are not the only benefits which will be felt; inferior lands will be brought into cultivation, with advantage and profit, as the low price of transportation will be set off against the enlarged expense of cultivation. From all which, it follows that the farmer will not only derive the benefit of the value and productiveness of inferior lands, but by a consequent addition to his capital and its application to the increase of labor upon superior soils, improve their fertility. This part of the subject might be further illustrated by showing that the withdrawal of horses from the transportation of passengers and goods, would effect a saving of the productions of the soil, (calculated at a gain of about one-third) which is now consumed in their support, and substitute a profit derivable from the raising of other species of stocks—that the reduction in the cost of transport of every article of necessity or luxury will stimulate their consumption—and that an additional demand for a manufacturing population will be a necessary consequence. This increase of population, reacting on the agricultural interests, will multiply the market for every species of produce. These are the views upon this subject of Dr. Lardner, one of the most scientific and accomplished writers of the day.

The more the subject is investigated, the wider extends the field and the more worthy it appears of attention. Its consequences to Michigan are incalculable. Her future prosperity, is, in the opinion of your committee, inseparably interwoven with the progress of internal improvement. By it alone, she can attain the political importance so necessary to protect her from the want of a due weight in the councils of the nation. By this alone, can her vast resources be fully developed, and her proper position in the Union be taken and maintained. Upon this depends our advance in manufactures, arts and sciences, in the diffusion and equalization of the stock of intellectual wealth, and in all that exalts and embellishes society. Upon this, in fine, depend the two main interests of every state, the employment of her population, and their supply at as cheap a rate as possible, of all the comforts and conveniences of life.

To effect these great objects, the means must be obtained by a

loan upon the credit of the state, for the interest upon which, and its final liquidation, such of the resources of the state may be pledged, as may be deemed most expedient. Ample funds, in the opinion of your committee, should be devoted to these works. If the means are restricted, embarrassment must ensue, the object itself be defeated, and the prosperity of the state incalculably retarded. The system will be trammelled through every department. Incompetent engineers for inadequate compensation will naturally be employed with a view to economy, and the works will be imperfectly and injudiciously formed for the same reasons. Nothing can be more unworthy of an enlightened state than the employment of its citizens with inadequate compensation. Men of real merit will be drawn away by a more liberal neighbor, and its employments fall into incapable hands. The actual saving which will result from an intelligent disbursement of the public money, by scientific men will repay beyond comparison any reasonable expenditure of this species. The works will be better made, the routes shortened and more judiciously chosen, and the confidence and respect of the laborer will introduce life and vigor into every undertaking. With these views, your committee would urgently recommend that provision be made for the employment of a scientific and ample corps of engineers to direct and superintend the works, as well as a liberal expenditure in carrying the system into immediate operation.

It should always be borne in mind that the application of money to the proposed works, is not an *expenditure*, but an *investment*. It is an investment which will afford an ample profit; and that profit, instead of swelling the wealth of individuals and companies, will be equally divided among the whole mass of our population, by creating and maintaining a public revenue, which, in process of time, will materially lessen the public burdens. To demonstrate this position, it is only necessary to estimate the income to be derived from the proposed investment. Suppose the capital invested be five millions of dollars, borrowed for twenty-five years, at an interest of five per centum per annum, and that it produced to the state an income of ten per centum, which, taking into consideration the cheapness of our public works, as well as the immense amount of business which their singularly fortu-

nate connection with the projected improvements of our enterprising neighbors, cannot fail to command, is much below what might reasonably be assumed. Thus we have a clear income over and above the interest upon the capital of five per centum, or two hundred and fifty thousand dollars per annum. Allowing it requires five years to complete the system of public works contemplated in this report, the works themselves or the portions brought into operation within this time, must more than pay the interest upon their cost, and thus become immediately available as sources of revenue to the state. We will, however, omit this consideration, and assume that the five millions be borrowed no faster than it can be profitably expended, and that the works or portions of them completed within the period above stated, shall no more than pay the interest upon their cost. The whole system being completed and brought into successful operation, we will assume it yields five per centum over and above the interest on the investment, and there results a clear yearly income of two hundred and fifty thousand dollars.

If, then, five years be required for the completion of this system, and the money expended in the mean time yield no more than enough to pay the interest upon it, we shall have for the sixth year an income of two hundred and fifty thousand dollars, which, at interest for nineteen years at seven per centum, is five hundred and eighty-two thousand five hundred; for the seventh year, with the like interest for eighteen years, five hundred and sixty-five thousand; and this calculation carried out, or which is the same if we take the whole amount of the receipts for twenty years, with interest on the half of it for nineteen years, or interest on the whole for half that time, we have,

Receipts for twenty years, \$250,000 per year,	\$5,000,000
Interest at seven per cent., \$5,000,000, 9 1-2 years,	3,325,000

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Amount,	8,325,000
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Deduct amount of loan payable at the end of twenty-five years,	5,000,000
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\$3,325,000

Calculating the management of the fund thus created, to require



an annual expenditure of ten thousand dollars, and that a like sum be allowed to cover occasional losses, the united sums for twenty years will amount to four hundred thousand dollars ; which deducted leaves a net surplus of two million nine hundred and twenty-five thousand dollars, besides the possession of the works which have yielded this immense profit. The principal being paid, the income is doubled and the fund may be allowed to increase, or the rates of toll be reduced to correspond with the wants of the state. Besides filling the public coffers, it will add millions to the value of our soil, and to the amount of productive industry. The investment of such a sum cannot therefore be considered great, when compared with the importance of the work and the advantages to be realized.

The general government have afforded liberal aid in fostering such improvements, by large grants of public lands. Alternate sections of some of the most valuable portions of the public domain have been given to several of the states, and Michigan has the strongest claims upon her liberality in this regard. The grants of these lands for such objects display a wise and liberal policy worthy of a free government. Instead of abstracting any thing from the national treasury, it has poured millions into it. Being sold by the state and improved, and the market brought to the door of the cultivator, the adjoining lands by their increase in value, amply repay the first gift.

The employment of the settler and the increase of works under such encouragement, distributes large sums of money among the people. Plenty and ease give place to the necessities and hardships of the western pioneer, and his attachment to his home and devotion to the government whose parental care has followed him into the wilderness can never be eradicated. Your committee therefore recommend that steps be taken to obtain such a grant of the public domain in Michigan as will equal the amount of alternate sections along the most important routes. No line at present would admit of a surrender to the state of the alternate sections, the settlement and purchase of lands being so general. The purchase made by the treaty with the Ottawas, in March, 1836, however, will afford an equal quantity of valuable lands for such an object, and an application is recommended to Congress at



its present session for an extension of this aid to our important designs. This aid will justify an extended system and liberal expenditure, without which the whole must fail. The general good would suffer more by a narrow policy, than by resigning it entirely to individual enterprize. Inadequate means will introduce partial plans, and a division of public sentiment, upon the unanimity of which the system depends. On the contrary, broad views and general undertakings, will harmonize the opinions and combine the efforts of every section in urging it forward to a rapid and successful completion.

The importance of the works proposed, in a military point of view, from the direct and rapid intercourse it will afford us with the several states, as well as the interior of our own, cannot be too strongly urged upon our consideration. A facility of communication with the whole length and breadth of our republic, will obviate the dangers incident to our border position. By these mediums, abundant material of men and arms can be thrown to the point of exposure, and a ready defence be always available, should a British war ever again make our position one of dangerous proximity to the dominions of that powerful nation.

The influence of the projects of the day upon the prosperity of Michigan, should they ever be accomplished, is singular and striking. The completion of the Chicago and Illinois canal will open for us a water communication to the West Indies. The canal around the Saut. de Ste. Marie, would unlock the vast treasures of the north-west, and the fisheries, mines and fur trade along the Great lake, will crowd our shores with shipping; the ship canal around the Falls of Niagara removes the barrier which shuts us from the Atlantic, and opens to us the ocean and the markets of the world. Should the project of a line of steam vessels from Valencia, in the western coast of Ireland, to St. John's, Newfoundland, a distance of only 1900 miles, be carried into operation, a steam navigation will be open for us to Europe, and enable us to unite all the benefits of our inland position with those of a seaport. The chain of mediterranean seas, in the centre of which we are placed, is without a parallel upon the surface of the globe, and the calmest mind cannot fail to be kindled at the rapid advancement in wealth and importance which is promised by our unrivalled position.

In view of the recommendation made in the former part of this report, in regard to the recovery of such works of a general character as are in the hands of private companies, your committee would direct the attention of the House to the Havre and Adrian branch railroad. The Toledo and Adrian railroad makes a most fertile and productive portion of our state tributary to Ohio. Eleven miles of the branch road will intersect and retain its route within our own borders, and enable our citizens to avail themselves of our most southern port on Lake Erie. This, with the port of Monroe, will afford us the ability to compete with our grasping neighbor for an invaluable portion of the commerce of that lake. For the improvements therefore of the southern sections of the peninsula, a strong appeal is made to the patriotism of the state.

The Detroit and St. Joseph railroad, being already in progress, and capable of subserving the immediate interests of the state, not only along its own course, but by its easy communication from the south by a road already chartered, and with the north by a junction with the north line of communication through Canada, by means of a railroad from Fort Gratiot, which will in effect draw within our borders an increased portion of that great western line, and unite with the St. Joseph road both the Canadian routes, particularly claims our attention as a subject of primary importance.

The committee have conferred with the board of directors of the Detroit and St. Joseph railroad company, and it is their decided opinion that the stockholders will surrender their charter to the state, upon the repayment to them of the amount of money actually expended, with the interest upon it, up to the present time; provided all existing obligations of the company be assumed, and the faith of the state pledged that the road shall be completed with reasonable despatch.

The amount expended by the company up to the present time, is one hundred and two thousand dollars.

This expenditure includes the cost of one locomotive engine, one passenger car, and wheels and irons complete for six burthen cars; also iron, plate, rails and spikes, sufficient for thirty miles of road. The iron, locomotive and cars, are now on the route be-

tween Albany and Detroit, and will be delivered here on the opening of navigation.

It appears from the statement of Mr. Berrien, chief engineer of the road, that all operations thus far have been confined to the first section, extending from Detroit to the village of Ypsilanti. The entire length of this section has been cut out and grubbed, and the grading of eleven miles completed, so as to require only the redressing consequent upon the settling of embankments, to be ready, when the proper season shall arrive, for laying the superstructure. The remainder of the grading is under contract, and is to be finished by the fifteenth day of July next. Contracts have also been made for the construction of all the bridges and culverts or drains upon this section, with the exception of a bridge for the river Rouge. From these contracts are to be excepted those portions of the route where the company have not yet acquired the right of way, amounting to about one and a half miles.

Until the exception just mentioned, titles to land have been secured as far as the mouth of Honey creek and the river Huron, three miles beyond Ann Arbor, and forty-three miles from Detroit.

The amount of expenditures above stated will therefore include the following, viz :

For lands, damages, &c. for 43 miles.

fees and payment of juries.

fencing road, &c.

expenses of surveys and location.

salaries of engineers and other agents.

cutting out and grubbing thirty miles.

grading eleven miles.

irons and spikes for thirty miles.

one locomotive engine and tender.

one passenger car, and wheels and irons complete for six burthen cars.

timbers sufficient for about eighteen miles of superstructure.

The estimated expense of completing and putting in operation the whole line from this city to St. Joseph, including machinery,

depot buildings, stations, &c., the distance being 200 miles, is \$1,500,000; of which sum the construction of the road will require about \$1,200,000, or \$6,000 per mile; an amount far below the average cost of similar works, and for which we are indebted to the highly favorable character of the country.

This estimate is for one track only, which, it is believed, will for the present be sufficient for the business of the road, but the very rapid growth of the country, as well as the increase of trade and of travel consequent upon the opening of so important a channel of communication, will no doubt soon render an additional tract necessary for the whole or great part of the distance; the cost of which has not been included, as a portion of the receipts from the road may, from year to year, be applied to its construction, and thus require no additional outlay of capital.

Indeed, a judicious investment of the funds to be applied, as well as a proper regard to economy of construction, would seem to require that one track should first be laid, and the other only as business required.

In order that the House may fully understand the importance of this work, the necessity for its speedy completion, and the revenue which the state is likely to derive from it, the committee have ascertained, as nearly as practicable, the amount of merchandize, &c. forwarded to the west by land from this city during the last year. Their information upon this point, is the result of careful inquiries at the different forwarding establishments, and shows the amount to have exceeded 57,000 tons. They have further ascertained from the proprietors of the western stage lines, that during the same period there have been 11,494 arrivals and departures by stage, the receipts from which source have exceeded \$10,000. The proprietors also state, and indeed, the fact must be within the knowledge of all who are acquainted with the route, that but a small portion, perhaps not one-fifth of the whole number of passengers, are conveyed by stages.

The tonnage above stated does not include the return transportation, nor has any estimate been made of the amount which is likely to be diverted from the upper lakes when the road shall be completed. The uncertainty and great risk of lake naviga-

tion, owing to the want of safe and convenient harbors on lakes Huron and Michigan, the great portion of the year during which it is entirely closed, the high rates of insurance, and the impossibility during some seasons of obtaining it, the heavy losses both of property and life which are sustained yearly, cannot but force a vast amount into any new channel promising greater security, or more certainty as to time.

Your committee might also dwell upon the additional importance which this work must assume when the roads now in progress through the state of New-York, and the one about to be commenced, extending from the Niagara to the Detroit river, shall complete the chain of railroad communication from the Atlantic to Lake Michigan. But they rely upon the facts already ascertained to show that were the road in question now completed and in operation, it would command an amount of business sufficient, not only to justify the expense of construction, but would afford a considerable revenue to the state.

It has already been remarked that the merchandize, &c., forwarded by land from Detroit to the west within the last year, has exceeded 57,000 tons; also, that the sum received for the conveyance of passengers upon the western stage route within the same period, has amounted to upwards of \$100,000, the number of travellers by stage being supposed less than one-fifth the whole number.

If then we take Marshall to be midway between the extremes, and assume for an average that all the freight and passengers are carried thus far, we have,

For the transportation of 57,000 tons 100 miles, at six cents per ton per mile,	\$342,000
For return transportation, say one-fourth of the above,	85,500
For the conveyance say of 40,000 passengers 100 miles, at five cents per mile,	200,000
	<hr/>
Total receipts,	\$627,500
Deduct for repairs of road and expenses 25 per cent.,	156,877
	<hr/>
	\$470,623

We thus have a clear income of \$470,623 from the whole line, or about 30 per centum on the investment.

To this would probably be added the transportation of the United States mail and many articles of the growth and produce of the interior not now brought to market, all of which would contribute to swell the amount ; but the estimate does not include any anticipated increase, and is confidently believed to be within the bounds of truth.

The present rate of transportation of passengers by stage is from six to eight cents per mile ; and that of merchandize or produce between Detroit and Marshall, 100 miles, is \$2 per hundred, or \$10 per ton ; from which it appears that while an immense revenue will be secured to the state, a clear saving will result to the people of \$34 per ton for every hundred miles carriage, and from one to three cents per mile to travellers.

It is the opinion of the engineer of the road, that the first section now in progress may be put in operation in the month of August next, provided funds for the purpose be rendered immediately available, and that the whole work if vigorously prosecuted, may be completed within three years.

In view of all the facts above stated, your committee would respectfully recommend the immediate purchase and prosecution of this work by the state, that the sum of \$500,000 be appropriated for the purpose, and that the legislature continue to appropriate, as may become necessary, the additional sums required for its completion. They would also recommend the appropriation of       thousand dollars for the surveys of other routes, among which the following are considered important, viz: A railroad route commencing at some point in the county of St. Clair, and terminating upon the navigable waters of Grand river ; another from some point in the county of Monroe to the navigable waters of the Kalamazoo river, and thence to the point on Grand river selected for the termination of the route from St. Clair ; also, the surveys of a ship canal round the Falls of St. Mary, and of a canal route from Detroit, passing through the county of Oakland, and terminating on Grand river.

Your committee conceive it unnecessary at this time to enter into the comparative advantages and applicability of railroads

and canals in the creation of our internal system. A decision upon these points must be the practical result of a thorough examination of the face of the country with a view to that object, by an intelligent and careful survey by competent engineers under the direction of a board of internal improvement.

For the purpose of carrying into effect these recommendations, as well as for the adoption of a general system of internal improvement by the state, your committee do earnestly recommend the passage of a law authorizing the loan of      millions of dollars, and the immediate organization of a board of internal improvement, of which the Governor of the state shall be ex-officio president; and they respectfully ask leave to introduce the bills necessary to carry these views into effect.

All of which is respectfully submitted.

E. ELY, Chairman.

Mr. Wing moved that the committee on printing be instructed to procure said report to be printed, wherever and by whomsoever they can procure it to be done the most speedily.

On motion, said motion and report were laid upon the table.

On motion of Mr. Felch,

The bill entitled "An act to incorporate the Lenawee county mutual insurance company" was committed to the committee on banks and incorporations.

On motion, the House adjourned.

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*Wednesday, January 25.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred:

By Mr. Monfore, of Macomb,

Of sundry citizens of the counties of Lapeer and Macomb, for the extension of the St. Clair and Romeo railroad. Referred to the committee on internal improvement.

By Mr. Phillips, of Oakland,

Of sundry inhabitants of Auburn in said county, for a charter for constructing a canal and turapike road from Auburn to Detroit. Referred to the committee on internal improvement.

By Mr. Gilbert,

Of sundry inhabitants of Washtenaw, for a wool growing and manufacturing company. Referred to the committee on agriculture and manufactures.

By Mr. Alden, of Branch,

Of sundry inhabitants of said county, for a railroad charter.

By Mr. Farrington, of Monroe,

Of sundry inhabitants of said county, for a railroad charter with banking privileges. Referred to the committee on internal improvement.

Mr. Ely, from the committee on internal improvement, reported a bill entitled "An act for the regulation of internal improvement, and for the appointment of a board of commissioners," which was read the first and second time and laid on the table.

Mr. Kingsley, from the judiciary committee, reported "A bill to amend an act entitled 'An act to authorize the judges of probate to grant license to sell the real estate of minors and others,'" which was read the first and second time and laid on the table.

Also, from the same committee, to which was referred the petition of Robert Abbott, executor of Mary Abbott, praying for a law authorizing him to sell certain land, made a report, which was read and laid upon the table.

The committee to whom was referred the petition of Robert Abbott praying for the passage of an act authorizing him as executor on the estate of Mary Abbott to sell certain land,

#### REPORT:

That if the petitioner authorized by the last will and testament of said deceased to sell said land, or if it be necessary to sell the same to pay the debts against the estate of said deceased, the existing law makes ample provision for the sale of said land. And if there be no necessity for such sale to pay debts, or if no power be given in the will to sell said land, your committee report that they think it inexpedient to legislate upon the subject.

Also, from the same committee, to which was committed the "Bill to authorize Abigail Shumway, administratrix, &c., to sell certain pieces or parcels of real estate," reported that they deem it unnecessary to legislate upon this case, which was read and laid upon the table.



The engrossed bill entitled "A bill to authorize the supervisor and township clerk of the township of Marshall, to levy a tax on property assessed therein, in 1836," coming under the special order of the day, was taken up, read a third time and passed.

Also, "A bill to authorize the Governor to appoint a private secretary," coming under the special order of the day, was taken up for its third reading.

Mr. Felch, of Monroe, moved to fill the blank in said bill with "six hundred." Mr. Ward, of Berrien, moved to fill the blank with "seven hundred." Mr. McKeen, of Lapeer, moved to recommit said bill to the committee on the judiciary, with instructions to strike out the words "dollars per annum, payable quarterly," and insert "three dollars per diem during the session of the legislature," in lieu thereof, which motion was negatived.

The Speaker moved to fill the blank with "five hundred."

The question being upon filling the blank with "seven hundred and fifty," it was, on motion, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Almy,  
Mr. Wisner,

Mr. Levake,  
Mr. Ward,

Mr. McKeen,

5

## NAYS.

Mr. Alden,  
Mr. Brown,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Convis,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Ferrington,

Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,  
Mr. Monfore,

Mr. McGaffey,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Yerkes,  
Mr. Speaker,

35

The question being upon filling up the blank with "six hundred," it was, on motion, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Butler,

Mr. Felch,  
Mr. Finch,  
Mr. Gilbert,

Mr. Martin,  
Mr. McKeen,  
Mr. Wisner,

## YEAS.

Mr. Convis,  
Mr. Cornell,

Mr. Levake,

Mr. Ward,

13

## NAYS.

Mr. Brown,  
Mr. Burbank,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Colbath,  
Mr. Ferrington,  
Mr. Farrington,  
Mr. Foote,

Mr. Herrington,  
Mr. Howe,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Monfore,  
Mr. McGaffey,  
Mr. Purdy,

Mr. Phillips,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Yerkes,  
Mr. Speaker,

28

The question being upon filling said blank with "five hundred," it was on motion, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,  
Mr. Brown,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Convis,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Ferrington,

Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Monfore,  
Mr. Martin,

Mr. McGaffey,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker,

36

## NAYS.

Mr. Levake,  
Mr. Monfore,

Mr. McKim,

Mr. Visner,

4

Said bill was then read a third time and passed.

The following message was received from the Senate, through their secretary:

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," with certain amendments, in which the concurrence of the House of Representatives is respectfully requested; and also transmit, for the concurrence of the House of

Representatives, a bill which has passed the Senate, entitled "A bill to extend the time for the collection and payment of certain taxes therein named."

On motion of Mr. McGaffey, the bill from the Senate, "to authorize David Gilbert, a minor, to sell certain land," was taken up for a third reading.

The question being upon its final passage, it was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Finch,	Mr. Purdy,	
Mr. Burbank,	Mr. Foote,	Mr. Ralph,	
Mr. Butler,	Mr. Gilbert,	Mr. Job Smith,	
Mr. Ballard,	Mr. Howe,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Lee,	Mr. Wisner,	
Mr. Cressey,	Mr. Martin,	Mr. Ward,	
Mr. Cornell,	Mr. McGaffey,	Mr. Yerkes,	
Mr. Colbath,	Mr. McKeen,	Mr. Speaker,	26
Mr. Farrington,			

NAYS.

Mr. Brown,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Calkin,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Ferrington,	Mr. Monfore,	Mr. Wing,	11
Mr. Herrington,	Mr. Phillips,		

The bill from the Senate, "A bill to extend the time for the collection and payment of certain taxes therein named," was taken up, read the first and second time, and on motion, committed to a committee of the whole House.

The "bill authorizing the supervisors of the county of Lapeer, to loan a certain sum of money," returned to the House, with sundry amendments made by the Senate, was taken up, and on motion, said bill and amendments were laid on the table.

Mr. Ely, from the committee on internal improvements, by leave of the House, reported "A bill to authorize the people of this state to extinguish by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes;" which was read the first and second time, and laid on the table.

Mr. Butler, on leave granted, presented the petition of sundry inhabitants of Branch county, praying the removal of the present

seat of justice of said county. Referred to the committee on removal of seats of justice.

Mr. Convis called up the report of the committee on internal improvement, and the motion relative to instructing the committee on printing concerning the printing of the same, and moved a division of the question, which was agreed to.

The question being upon printing one thousand copies, it was decided in the affirmative.

The question being upon the second branch of the motion, instructing the committee on printing, as to the time and manner of printing the same, it was negatived.

On motion of Mr. Martin, of Wayne,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency and propriety of amending an act entitled "An act to extend Jefferson avenue to the intersection of the present Grosse point road on Lake St. Clair," and report by bill or otherwise.

Mr. Burbank called up the joint resolution, by him yesterday laid upon the table, requiring the directors of the several banks in this state to make reports to the Governor and legislature.

Mr. Felch, of Monroe, moved to amend the same by substituting the following:

*Resolved*, That the bank commissioner be requested to furnish the House with a tabular statement of the returns of the several banks in this state, which statement shall exhibit the amount of capital paid into said banks, of the debts due the same, of the moneys deposited therein, of the notes in circulation and of the specie on hand, and such other information relative to the affairs of said banks, as may be exhibited by said returns, which was accepted, and the resolution as amended was adopted.

On motion of Mr. Felch,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of passing a law, requiring the collectors of school districts to make returns of all sales of lands and tenements for taxes under the provisions of "An act to regulate common schools," to the treasurers of their respective counties, and to require the said treasurers to keep a record of the same.

Mr. Lothrop called up the joint standing rule of the Senate

and House of Representatives, by him laid upon the table on the 20th inst., which was read and adopted.

Mr. Convis moved the consideration of the resolution by him heretofore laid upon the table relative to the adjournment of the legislature, which, on motion, was negatived.

Mr. McGaffey gave notice that he should, on some future day, ask leave to bring in a bill to incorporate the Mutual fire insurance company of St. Joseph county.

Mr. Farrington, from the select committee on the equalization of taxes, the unanimous consent of the House having been obtained, reported "A bill to provide for the equalization of taxes," which was read the first and second time by its title, and on motion, committed to the committee on ways and means.

On motion of Mr. Convis, the vote on the reference of the bill from the Senate, relative to extending the time for the collection of taxes, was reconsidered, and said bill was committed to the committee of ways and means.

On motion, adjourned.

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*Thursday, January 26.*

The House met pursuant to adjournment.

The following petitions were read and severally referred :

By Mr. Gilbert, of Macomb,

Of sundry inhabitants of said county, for a bank to be located at Romeo, in said county. Referred to the committee on banks and incorporations.

By Mr. Wing, of Monroe,

Of Thomas Caldwell and others, for the division of a certain town in said county. Referred to the committee on the organization of towns and counties.

By Mr. Smith, of Cass,

Of sundry inhabitants of said county, praying for a bank at Edwardsburgh, in said county. Read and laid upon the table.

By Mr. Ralph, of Hillsdale,

For a bank at Jonesville. Referred to the committee on banks and incorporations.

By Mr. Felch, of Monroe,

A remonstrance of Eliphalet Clark and others, against the division of a certain town in said county. Referred to the committee on the organization of towns and counties.

Mr. Kingsley, from the committee on the judiciary, which were instructed to inquire into the expediency of providing for keeping records of land sold for school taxes, reported "A bill to provide for keeping records of land sold for school taxes," which was read the first and second time and laid upon the table.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled "A joint resolution instructing our senators and representative in Congress relative to light-houses and harbors."

Mr. McGaffey, from the select committee to which was referred so much of the Governor's message as relates to a geological survey of the state, reported "A bill to provide for a geological survey of the state," which was read the first and second time and laid on the table.

Mr. Almy, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the counties of St. Joseph and Branch, relative to a state road, reported "A bill to amend the act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," which was read the first and second time and laid upon the table.

Mr. Wing, from the committee on the removal of seats of justice, to which was recommitted the report and resolution relative to the removal of the county seat of Branch county, reported the same without amendment, which was laid upon the table.

Mr. Convis, from the committee of ways and means, to which was committed "A bill to provide for the equalization of taxes on real estate," reported adverse to the passage of the bill, and on motion, the printing of said bill was dispensed with; and also reported "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' " which was read the first and second time and laid upon the table.

And also, from the same committee, to which was referred the bill from the Senate, entitled "A bill to extend the time for the collection and payment of certain taxes therein named," reported the same without amendment.

Mr. McKen, from previous notice given, asked leave to bring in a bill to incorporate the stockholders of the Lapeer county bank. The question being upon granting leave, it was, on motion, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Alden,	Mr. Felch,	Mr. Jos. Smith,	
Mr. Almy,	Mr. Gilbert,	Mr. Wing,	
Mr. Burbank,	Mr. Monfore,	Mr. Wisner,	
Mr. Cressey,	Mr. McGaffey,	Mr. Yerkes,	
Mr. Calkin,	Mr. McKen,	Mr. Speaker,	16
Mr. Cornell,			

## NAYS.

Mr. Brown,	Mr. Foote,	Mr. Munger,	
Mr. Butler,	Mr. Herrington,	Mr. Martin,	
Mr. Burke,	Mr. Howe,	Mr. Purdy,	
Mr. Convis,	Mr. Kellogg,	Mr. Phillips,	
Mr. Colbath,	Mr. Kingsley,	Mr. Ralph,	
Mr. Ferrington,	Mr. King,	Mr. Shattuck,	
Mr. Farrington,	Mr. Lee,	Mr. Shellhouse,	23
Mr. Finch,	Mr. Lothrop,		

Mr. Finch, from the select committee to which was referred the petition of sundry inhabitants of Macomb county relative to county business, reported adverse to the prayer of said petitioners, and on motion, said committee were discharged from the further consideration of the subject. Said report was laid upon the table.

Mr. Almy, from the committee on roads and bridges, which were instructed to inquire into the expediency of increasing the price of commutation for labor and report by bill or otherwise, made the following

## REPORT :

That a bill has been already introduced into the Senate containing a section making provision for the increase of the price of commutation for labor on highways, and will in due time reach the House ; they therefore beg leave to be discharged from the further consideration of the subject.

On motion, the report was laid upon the table, and the committee discharged.

On motion of Mr. Felch,

*Resolved*, That the committee on the judiciary be instructed to

inquire into the expediency of passing an act to provide for the more speedy assessment and collection of damage occasioned by flowing lands.

On motion of Mr. McKeen,

*Resolved*, That the committee on banks and incorporations be instructed to inquire into the expediency of incorporating a bank, to be located at Lapeer, and report by bill or otherwise.

On motion of Mr. Alden,

*Resolved*, That the committee on the removal of seats of justice be instructed to inquire into the expediency of a removal of the seat of justice of Branch county, from the village of Branch to the village of Coldwater, and that they (as soon as practicable) report by bill or otherwise.

Mr. Ely, of Allegan, gave notice that he should, on some future day, ask leave to bring in a bill making an appropriation from the state to build bridges across the Kalamazoo river, at the villages of Otsego and Allegan, in the county of Allegan.

Mr. Lee gave notice that he should, on some future day, ask leave to bring in a bill to change the name of the county of Calhoun to Benton.

Mr. Smith, of Cass, gave notice that he should, on some future day, ask leave to introduce a bill to incorporate the stockholders of the Cass county bank, to be located at the village of Edwardsburgh, in said county of Cass.

On motion of Mr. Convis,

The House resolved itself into a committee of the whole, Mr. Ward in the chair, upon the bill from the Senate, entitled "A bill to extend the time for the collection and payment of certain taxes therein named," and after spending some time therein, the committee rose and through their chairman reported the same to the House, with sundry amendments, which were concurred in.

On motion of Mr. Wing, said bill was committed to the committee on the judiciary.

The following message was received from the Governor through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secreta-



ry of State, a joint resolution "instructing our senators and representative relative to light-houses and harbors."

STEVENS T. MASON.

*January 26, 1837.*

The Chair presented the following communication from the Bank Commissioner :

*(See Document No. 11.)*

Mr. Lothrop called up the report of the committee on banks and incorporations made by him, and heretofore laid on the table, relative to incorporating an insurance and loan company, and moved the adoption of the report, and that the committee be discharged from the further consideration of the subject, which was agreed to.

Mr. Kingsley called up the report of the committee on the judiciary, yesterday laid upon the table, relative to authorizing Abigail Shumway, administratrix, &c., to sell certain parcels of land ; which report was read and adopted, and on motion, the bill was rejected and the committee discharged from the further consideration of the subject.

Also called up the report of said committee, yesterday laid upon the table, relative to the petition of Robert Abbott, executor, &c., which was read and adopted.

Also called up the report of the same committee, laid upon the table on the 13th inst., relative to establishing a court of common pleas, which was read and adopted.

Mr. McKeen called up the "bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," with the amendments made thereto by the Senate.

The question being upon concurring in the first, second, fourth and sixth amendments made by the Senate, they were, on motion, concurred in.

Mr. Lothrop moved to amend the third amendment made by the Senate, by striking out the word "November," and insert "April" in lieu thereof, which was agreed to.

On motion, the fifth amendment made by the Senate, was non-concurred in.

Mr. Alden, of Branch, on leave granted, presented the petition

of Gilbert H. King and others, of Calhoun county, for the organization of a new township in said county. Referred to the committee on the organization of towns and counties.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a joint resolution, which has passed the Senate, entitled “ A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money,” in which the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Lothrop,

The “ bill regulating the interest of money,” with the report of the select committee to which the same was referred, heretofore laid upon the table, was taken up and considered. The question being upon adopting the report of said committee, it was, on motion of Mr. Convis, decided by yeas and nays in the negative, as follows :

#### YEAS.

Mr. Convis,	Mr. Lothrop,	Mr. Phillips,	3
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#### NAYS.

Mr. Alden,	Mr. Finch,	Mr. McKeen,	
Mr. Almy,	Mr. Foote,	Mr. Purdy,	
Mr. Burbank,	Mr. Gilbert,	Mr. Ralph,	
Mr. Butler,	Mr. Herrington,	Mr. Job Smith,	
Mr. Ballard,	Mr. Howe,	Mr. Shattuck,	
Mr. Burke,	Mr. Kellogg,	Mr. Jos. Smith,	
Mr. Cressey,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Calkin,	Mr. King,	Mr. Wing,	
Mr. Cornell,	Mr. Lee,	Mr. Wisner,	
Mr. Colbath,	Mr. Munger,	Mr. Ward,	
Mr. Ferrington,	Mr. Martin,	Mr. Yerkes,	
Mr. Felch,	Mr. Monfore,	Mr. Speaker,	38
Mr. Farrington,	Mr. McGaffey,		

On motion, the House adjourned.

*Friday, January 27.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred :

By Mr. Bingham, of Livingston,

Of sundry inhabitants of Livingston and Oakland counties, for the annexation of towns one, two, three and four north, of seven east in Oakland county, to Livingston county. On motion of Mr. Wisner, said petition was referred to a select committee of five members, consisting of Messrs. Wisner, Ingham, Finch, Herrington and Alden.

By Mr. Ralph, of Hillsdale,

A remonstrance of sundry inhabitants of said county. against the removal of the present seat of justice of said county. Referred to the committee on the removal of seats of justice.

By Mr. Almy, of Kent,

The petition of sundry inhabitants of Ionia county, praying for the removal of the county seat of said Ionia county. Referred to the committee on removal of seats of justice.

By Mr. Wisner, of Oakland,

The petition of sundry inhabitants of said county, for a law authorizing an equal distribution of the surplus revenue among the several counties of this state. Also, protesting against loaning said revenue to the banks. Referred to the committee on ways and means.

By the Chair,

Of sundry inhabitants of Wayne county, praying for an act to extend Fort street in Detroit to the Dearbornville road. Referred to the committee on roads and bridges.

Mr. Convis, from the committee of ways and means, reported "A bill to amend an act entitled 'An act to incorporate the Michigan state bank,' " which was read the first and second time and laid upon the table.

Mr. Lee, from the committee on claims, to which was referred the petitions of Samuel A. Bartlett and Lemuel Colbath, reported a bill, "An act for the relief of Samuel A. Bartlett;" also, "An act for the relief of Lemuel Colbath," which bills were read the first and second time and laid upon the table.

Mr. Kingsley, from the committee on the judiciary, to which was referred the petition of Nathan B. Carpenter, reported that they deem it inexpedient to grant any relief to the petitioner, and asked to be discharged from the further consideration of the subject. On motion, said report was laid upon the table.

Also, from the same committee, to which was referred the petition of Lyman Knight, for authority to sell certain land, reported that no legislation upon the subject is necessary, as the existing laws provide for such cases, and asked to be discharged from the further consideration of the subject. On motion, the report of the committee was adopted, and the committee discharged.

Also, from the same committee, which were instructed to inquire into the expediency of amending an act entitled "An act to extend Jefferson avenue," reported "A bill to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse point road on Lake St. Clair,'" which was read the first and second time and laid upon the table.

Mr. Ely, from the committee on internal improvement, to which was referred sundry petitions of sundry inhabitants of Oakland county, reported "A bill to incorporate the Pontiac and Huron river canal company," which was read the first and second time and laid upon the table.

Also, from the same committee, reported "A bill to incorporate the Detroit and Pontiac turnpike company," which was read the first and second time and laid upon the table.

Mr. Lothrop, from the committee on banks and incorporations, reported "A bill to organize and regulate banking associations," which was read the first and second time and laid upon the table.

Mr. Ely, from the committee on internal improvement, reported a bill, "An act authorizing a loan of a sum not exceeding five million of dollars;" which was read the first and second time and laid on the table; and on motion of Mr. Ely, said bill and the "bill authorizing the people of this state to purchase the charter of the Detroit and St. Joseph railroad company;" and also, the "bill for the regulation of internal improvement, and for the appointment of a board of commissioners," were made the special order of the day for Tuesday next.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate, "A bill to extend the time for the collection and payment of certain taxes therein named," reported the same with sundry amendments, which were concurred in.

Said bill as amended was then read the third time and passed.

The following message from the Senate was received through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a joint resolution which has passed the Senate, entitled "A resolution directing the publication of the laws," in which the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Burbank,

*Resolved*, That the committee on the organization of towns and counties, be instructed to inquire into the expediency of enacting a law giving to the electors in the counties hereinafter to be organized, authority to locate the seats of justice in their several counties, and report by bill or otherwise.

Mr. Lee called up the resolution laid on the table on the 24th instant, relative to appointing G. R. Lillibridge reporter to this House, for the journal and register, with a member's per diem allowance. Mr. Ward moved the indefinite postponement of the resolution, which was agreed to.

Mr. Cornell offered the following resolution:

*Resolved*, That the committee on ways and means be instructed to bring in a bill to increase the salary of the Treasurer of this state.

Mr. McKeen moved to amend by inserting "Secretary of State," which was agreed to.

Mr. Wisner moved to amend by inserting "Governor," which was negatived.

Mr. Ward moved to amend by inserting "Auditor General," which was agreed to.

The question being upon the adoption of the resolution as amended, it was negatived.

On motion of Mr. Alden, of Branch,

*Resolved*, That the committee on the university and school lands be instructed to inquire into the expediency of passing a law giving the supervision of the school lands to the Superintendent of Public Instruction, and to require him forthwith to prosecute for all trespasses on the same.

The joint resolution of the Senate, "to authorize the fiscal

agent to advance to John S. Bagg a certain sum of money," was taken up and read the first and second time.

Also, the joint resolution from the Senate, "directing the publication of the laws," was taken up and read the first and second time and committed to the committee on printing.

The unfinished business of yesterday was taken up. The consideration of the bill, "A bill to regulate the interest of money."

The bill having been read,

Mr. Lothrop renewed his motion made in committee of the whole, viz : to strike out all after the word "sums," in the fourth line of the second section to the word "provided," in the eighth line of the same section.

On motion, said amendment was decided by yeas and nays in the negative, as follows :

#### YEAS.

Mr. Lothrop,

Mr. Phillips,

2

#### NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Convis,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Felch,

Mr. Farrington,  
Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Levake,  
Mr. Munger,  
Mr. Martin,

Mr. Monfore,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker, 39

Mr. Phillips moved further to amend by inserting at the end of the seventh line of the second section, the following :

"Or until the same shall become due, in which case seven per centum shall be allowed, and no more ; which, on motion, was decided by yeas and nays in the negative, as follows :

#### YEAS.

Mr. Cressey,  
Mr. Convis,

Mr. Lothrop,  
Mr. Phillips,

Mr. Wisner,

5

#### NAYS.

Mr. Alden,  
Mr. Almy,

Mr. Finch,  
Mr. Foote,

Mr. McGaffey,  
Mr. McKeen,

Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Felch,  
Mr. Farrington,

Mr. Gilbert,  
Mr. Herrington,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Levake,  
Mr. Martin,  
Mr. Monfore,

Mr. Purdy,  
Mr. Ralph,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker,

34

Mr. Convis moved further to amend by striking out the proviso in said bill, and inserting the following :

“ Any bank or moneyed institution that shall ask, demand or receive, directly or indirectly, any higher rate of interest than said bank or moneyed institution is authorized by its charter to receive, shall pay, upon conviction thereof in any court of this state having jurisdiction of the same, a sum not more than three thousand dollars, nor less than fifty ; one-fifth of which to be paid to the informant, and the balance into the treasury of the state : And in order to carry the provisions of this section into effect, it shall be lawful for the legislature, or a committee of either House thereof, or for any one of the bank commissioners for the state, to examine under oath any of the officers, agents or servants of said banks transacting the business of said banks.”

On motion of Mr. Bingham, the question on the motion of Mr. Convis, was divided.

The question being upon striking out, it was, on motion, decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Bingham,  
Mr. Convis,

Mr. Levake,

Mr. Lothrop,

4

NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Cornell,

Mr. Farrington,  
Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,

Mr. McKeen,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Ward,

Mr. Colbath,  
Mr. Felch,

Mr. Martin,  
Mr. McGaffey,

Mr. Yerkes,  
Mr. Speaker, 33

The question being upon inserting, it was negatived.

Mr. Butler moved further to amend by striking out the words "or other commodity" in the second line of the second section, which was agreed to.

Mr. Convis moved further to amend by inserting the following, to stand as the fourth section :

" All acts or parts of acts prohibiting private persons or associations keeping an office of discount and deposit, or dealing in inland bills of exchange, be, and the same are hereby, repealed ;" which was negatived.

Mr. Ralph moved further to amend by striking out all after the word " year," in the third line of the first section to the seventh line of the second section, and insert " and no more, unless a higher rate of interest be expressly agreed upon by the parties, and said agreement be put in writing ;" which was negatived.

Mr. Felch moved further to amend by striking out the three first sections, and inserting the following as a substitute :

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That creditors shall be allowed to recover and receive interest at the rate of seven per centum per annum on all contracts made after the passage of this act.

§ 2. That it shall and may be lawful for any person or persons to recover and receive on any contract hereafter made, such rate of interest as may be agreed upon by the parties and expressed in writing.

§ 3. That interest shall be allowed on all moneys due, by judgment at law, or order on decree in equity, from the day of rendering the same until satisfaction be made by payment or sale of property ; all judgments, orders and decrees for money on contracts bearing more than seven per centum interest, shall bear the same rate of interest as is specified in such contracts, and all other judgments, orders and decrees for money, shall bear interest at seven per centum per annum, until satisfaction be made as aforesaid. And in all cases where judgments and decrees



shall bear more than seven per centum interest, agreeably to the provisions of this act, it shall be the duty of the clerk or justice issuing the same, to enter thereon the amount of interest which the same shall bear.

On motion, said bill and amendments were laid upon the table, and the last named amendment ordered to be printed.

Mr. Convis laid on the table the following:

*Resolved*, That a select committee of three be appointed to procure a competent reporter for this House.

Mr. McKeen asked and obtained leave of absence for Mr. Brown, until Monday next.

Mr. Burbank asked and obtained leave of absence for Mr. Haskins.

Mr. Felch asked and obtained leave of absence for Mr. Wing, until Monday next.

On motion, adjourned.

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*Saturday, January 28.*

The House met pursuant to adjournment.

Mr. Alden asked and obtained leave of absence for Mr. Howe, until Tuesday next.

Mr. Convis asked and obtained leave of absence for Mr. M'Keen, until Monday next.

Mr. Cornell asked and obtained leave of absence for Mr. Ferrington.

Mr. Cornell, of Jackson, presented the petition of John Hall and others, for a division of a certain town in said county, referred to the committee on the organization of towns and counties.

Mr. Finch, from the committee on banks and incorporations, reported "A bill to incorporate the village of White Pigeon," which was read the first and second time and laid upon the table.

Mr. Almy, from the committee on roads and bridges, reported a bill, "An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia," which was read the first and second time and laid upon the table.

Mr. Lothrop, from the committee on banks and incorporations,

reported "A bill to incorporate the village of Pontiac," which was read the first and second time and laid upon the table.

Mr. Finch, from the committee on banks and incorporations, to which was committed the bill "A bill to incorporate the Lenawee county mutual insurance company," reported the same without amendment.

Mr. Lothrop, from the same committee, reported "A bill to incorporate the Michigan state mutual fire insurance company," which was read the first and second time and laid upon the table.

On motion of Mr. Shellhouse,

*Resolved*, That on and after Monday next, there shall be two sessions of this House each day, commencing at 10 o'clock, A. M. and half past 2, P. M., unless otherwise ordered.

The joint resolution from the Senate, "a resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money," coming under the general order of the day, was taken up, read the third time and passed.

On motion of Mr. Finch,

The House resolved itself into a committee of the whole, Mr. Alden in the chair, on the "bill to incorporate the Lenawee county mutual fire insurance company," and after spending some time therein, the committee rose, and through their chairman reported the same to the House with sundry amendments, which were concurred in. On motion of Mr. Cressey, said bill was laid upon the table.

Mr. Shellhouse called up the bill "A bill to amend an act entitled an act appointing commissioners to lay out and establish certain state roads, approved March 26, 1836," which was read the third time and passed.

The following message was received from the Executive through his private secretary, Mr. Jackson.

*To the House of Representatives :*

I have this day approved, and filed in the office of the Secretary of State, "An act to authorize David Gilbert, a minor, to sell certain land therein described."

STEVENS T. MASON.

*January 28, 1837.*

On motion of Mr. Convis,

The report of the committee on the removal of seats of justice, relative to the removal of the present seat of justice of Branch county, was taken up and considered.

The question being upon the adoption of the resolution contained in said report, and upon discharging the committee from the further consideration of the subject, it was, on motion, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Felch,	Mr. Levake,	
Mr. Bingham,	Mr. Farrington,	Mr. Martin,	
Mr. Builer,	Mr. Finch.	Mr. M'Gaffey,	
Mr. Ballard,	Mr. Herrington,	Mr. Purdy,	
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kingsley,	Mr. Jos. Smith,	
Mr. Calkin,	Mr. King,	Mr. Shellhouse,	
Mr. Convis,	Mr. Lee,	Mr. Ward,	
Mr. Cornell,	Mr. Lothrop,	Mr. Speaker,	27

NAYS.

Mr. Alden,	Mr. Phillips,	2
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The following message was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit to the House of Representatives, a bill which has passed the Senate, entitled “ A bill to repeal an act entitled ‘ An act to provide for establishing seats of justice,’ ” in which the concurrence of the House of Representatives is respectfully requested: and also again return to the House of Representatives, the bill entitled “ A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money,” and am directed to inform the House that the Senate non-concur in the amendment made by the House of Representatives to the third amendment of the Senate to said bill.

On motion, the House adjourned.

*Monday, January 30.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred.

By Mr. Convis, of Calhoun,

From sundry inhabitants of Eaton, for the organization of a certain town in said county. Referred to the committee on the organization of towns and counties.

Also of sundry inhabitants of Calhoun, for a state road from Marshall to Saginaw. Referred to the committee on internal improvement.

By Mr. Alden, of Branch,

Of sundry inhabitants of the town of Batavia, in said county, for the division of said town. Also of sundry inhabitants of Sherwood, in said county, for the division of said town. Also of sundry inhabitants of Prairie River, in said county, for an alteration of the name of said town. Referred to the committee on the organization of towns and counties.

Also of sundry inhabitants of Branch county, for the incorporation of a wool growing and manufacturing company. Referred to the committee on agriculture and manufactures.

Also of sundry inhabitants of Branch county, for the removal of the present seat of justice of said county to the village of Coldwater. Referred to the committee on the removal of seats of justice.

By Mr. Ballard, of Lenawee,

Of sundry inhabitants of Pitt, Washtenaw county, praying for commissioners to be appointed to lay out a state road from said town to Tecumseh. Referred to the committee on roads and bridges.

By Mr. Calkin,

Of James Fowler and others, for a charter for a railroad from Romeo to Grand river. Referred to the committee on internal improvement.

By Mr. Shattuck, of Washtenaw,

Of sundry inhabitants of Washtenaw and Wayne counties, for a charter for a canal or slack water navigation from Flat Rock to Ypsilanti. Referred to the committee on internal improvement.

Also of sundry inhabitants of the township of Augusta, for an alteration of the law regulating the assessment of property and taxes. Referred to the committee of ways and means.

By Mr. Almy, of Kent,

Of sundry inhabitants of said county, for the survey of a railroad route, from Pontiac to Grand river. Also of James Fraser and others, for an act incorporating a company to construct a canal from the Cawkawling river to the Saginaw river. Referred to the committee on internal improvement.

Also presented the proceedings of a meeting held at the village of Grandville, in Kent county, relative to the continuation of the St. Clair and Romeo railroad, which was read and laid upon the table.

On motion of Mr. Felch,

*Resolved*, That the Auditor General be requested to furnish this House with a statement of the amount of state tax charged over to each of the several counties in this state, agreeably to the second section of "An act relative to certain taxes," approved March 21, 1836. And also, if in his power, with the valuation of real and personal estate, on which said tax is assessed, and the total amount of all taxes for state, county and township purposes, paid by the several counties.

On motion of Mr. Almy,

*Resolved*, That the clerk of this House be, and he is hereby, authorized to employ, whenever it shall become necessary, an assistant, and that a reasonable compensation be allowed to such assistant for his services during the time he may be employed.

On motion of Mr. Ely,

*Resolved*, That the committee on agriculture and manufactures be instructed to inquire into the expediency of appropriating money from the public funds, to encourage cattle shows or fairs, in the different counties in this state.

The bill, "A bill to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,'" was taken up and considered.

Mr. McGaffey moved to amend said bill by adding to the title "approved July 25, 1836," which was agreed to. Said bill was then read the third time and passed.

On motion of Mr. Smith, of Cass,

The House resolved itself into a committee of the whole, Mr. Lothrop in the chair, on the "bill to provide for a geological survey of the state," and after spending some time therein, the com-

mittee rose, and through their chairman, reported the same with sundry amendments, which were concurred in.

On motion of Mr. Alden,

The third section of said bill was amended by striking out the words "or before," in the second line of said section.

On motion of Mr. Felch,

The second section of said bill was further amended by inserting the words "not exceeding," in the first line after the word "sum." Also in the same line, same section, before the word "six," and in the second line, same section, before the word "eight" and the word "twelve," the words "a sum not exceeding." Also in the fifth line, same section, after the word "times," the words "and in such sums." And also by adding to the said second section the words "and an account of the expenditure of each year shall be annually reported to the legislature"

Said bill was then ordered to be engrossed and read a third time to-day.

On motion of Mr. Lee,

The House resolved itself into a committee of the whole, Mr. Kingsley in the chair, upon the bills, "A bill for the relief of Samuel A. Bartlett," also "A bill for the relief of Lemuel Colbath," and after spending some time therein, the committee rose, and through their chairman reported the same, with sundry amendments, which were concurred in. Said bill was, on motion of Mr. Felch, recommitted to the committee on claims.

On motion of Mr. Convis,

The House took up the bill heretofore laid upon the table, "A bill to incorporate the Lenawee county mutual insurance company." On motion of Mr. Convis, said bill was ordered to be engrossed and read the third time to-morrow.

The following communication was received from the Senate through their secretary :

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, without amendment, the bill entitled "A bill to authorize the Governor to appoint a private secretary.

On motion,

The House resolved itself into a committee of the whole, upon

“ A bill amendatory to an act entitled ‘ An act to provide for the assessment and collection of township and county taxes ;’ ” and after spending some time therein, the committee rose, and through their chairman reported the same with amendments. On motion, said bill and amendments were committed to the committee on the judiciary.

On motion, the House adjourned.

#### AFTERNOON SESSION.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Cornell in the chair, upon “ A bill to provide for keeping records of land sold for school taxes,” and after spending some time therein, the committee rose, and through their chairman reported the same without amendment. Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Finch,

The House resolved itself into a committee of the whole, Mr. Kellogg in the chair, upon “ A bill providing for judgments recorded and filed in the clerk’s office, a lien upon real estate,” and after remaining some time therein, the committee rose and reported the same without amendment. On motion, said bill was re-committed to the committee on the judiciary.

On motion of Mr. Aiden,

The House resolved itself into a committee of the whole, Mr. Calkin in the chair, on the bill, “ A bill to provide for taking the census,” and after spending some time therein, the committee rose, and through their chairman reported the same, with sundry amendments, which were concurred in.

Mr. Lothrop moved to recommit said bill to the committee on the expiration of laws, &c., with instructions to report a bill similar in its provisions to the “ bill providing for taking the census, and for other purposes,” approved September 6, 1834, which motion was negatived.

On motion of Mr. Convis, said bill was laid upon the table.

On motion, the House adjourned.

*Tuesday, January 31.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred:

By Mr. Monfore, of Macomb,

Of sundry inhabitants of Mt. Clemens, for the extension of the St. Clair and Romeo railroad. Referred to the committee on internal improvement.

By Mr. Wing, of Monroe,

Of sundry inhabitants of the town of Raisinville in said county, for the division of said town. Referred to the committee on the organization of towns and counties.

Mr. Ely, from the committee on internal improvement, to which was referred the communication from the Niagara ship canal board, reported the following preamble and joint resolution, which were read the first and second time and laid on the table :

#### REPORT.

The committee on internal improvement, to whom was referred the communication from the Niagara ship canal board, ask leave to report the following preamble and resolution:

Whereas, sound and enlightened policy requires that every aid should be given towards the improvement of such avenues for commerce and travel as already exist, and for the opening of new routes that are calculated to develop the resources of the country, and call into action more of the industry and energies of our citizens. Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That in their views the project of a ship canal around the Falls of Niagara, as one of a national character, that will extend its benefits and advantages from the river St. Lawrence to Lake Superior, increase the commerce of our inland seas, and through that medium stimulate the enterprize, intelligence and industry of the whole country.

*Resolved,* That our senators in Congress be instructed, and our representative be requested, to use their influence to procure an appropriation from the national treasury, large enough to secure the completion of this work.

*Resolved,* That the Governor of this state be requested to for-



ward our senators and representative in Congress, and the Niagara ship canal board, copies of these resolutions.

Mr. McGaffey, from the committee on the expiration of laws, &c., reported "A bill to provide for the election of state officers," which was read the first and second time and laid upon the table.

Mr. Almy, from the committee on roads and bridges, reported "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville;" which was read the first and second time and laid upon the table.

On motion of Mr. Finch,

*Resolved*, That the committee on internal improvement be instructed to inquire into the propriety of an immediate survey of a route and construction of a railroad by the state, from the village of Adrian, Lenawee county, thence westerly through or near the centres of Hillsdale, Branch, St. Joseph, Cass and Berrien counties, to New Buffalo, and report by bill or otherwise.

Mr. Monfore, of Macomb, gave notice that he should ask leave on a future day, to bring in a bill for the extension of the St. Clair and Romeo railroad.

The bills, "A bill to authorize the people of this state to extinguish by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes;" also, "A bill for the regulation of internal improvement, and for the appointment of a board of commissioners;" and "A bill entitled an act authorizing a loan of a sum not exceeding five hundred thousand dollars," coming under the special orders of the day, were taken up, and on motion of Mr. Felch, the special orders of the day were postponed until Saturday next.

The engrossed bill, "A bill to provide for a geological survey of the state," coming under the general orders of the day, was taken up, read the third time and passed.

Also the engrossed bill, "A bill to provide for keeping records for lands sold for school taxes," was taken up and considered. The question being upon filling the blank in the eighth line of the second section, Mr. Kingsley moved to fill the same with the word "fifty," which was agreed to. Said bill was then read the third time and passed.

The engrossed bill, "A bill to amend an act to authorize the

judges of probate to grant license to sell the real estate of minors and others, approved July 25, 1836," was taken up, read the third time and passed.

The engrossed bill, "A bill to incorporate the Lenawee county mutual fire insurance company," was taken up and read the third time. The question being upon its final passage, it was decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Alden,	Mr. Convis,	Mr. Lee,
Mr. Almy,	Mr. Cornell,	Mr. Munger,
Mr. Brown,	Mr. Ely,	Mr. Martin,
Mr. Burbank,	Mr. Felch,	Mr. Monfore,
Mr. Butler,	Mr. Finch,	Mr. McGaffey,
Mr. Ballard,	Mr. Gilbert,	Mr. Purdy,
Mr. Burke,	Mr. Kingsley,	Mr. Job Smith,
Mr. Cressey,	Mr. King,	Mr. Shattuck,
Mr. Calkin,		

25

## NAYS.

Mr. Bingham,	Mr. Kellogg,	Mr. Shellhouse,
Mr. Colbath,	Mr. Lothrop,	Mr. Thayer,
Mr. Eldred,	Mr. Levake,	Mr. Wing,
Mr. Ferrington,	Mr. Phillips,	Mr. Yerkes,
Mr. Farrington,	Mr. Ralph,	Mr. Speaker,
Mr. Herrington,	Mr. Jos. Smith,	

17

Mr. Lothrop gave notice that to-morrow he should move a reconsideration of the vote on the passage of the last named bill.

The following communication was received from the Executive through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of state, the following acts, viz:

"An act to authorize the Governor to appoint a private secretary."

"An act to extend the time for the collection and payment of certain taxes therein named." And also,

"A resolution to authorize the fiscal agent to advance to John S. Bagga a certain sum of money."

STEVENS T. MASON.

January 31, 1837.

The following communication was received from the Executive through Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

I transmit for the consideration of the legislature, the remonstrance of the pre-emption claimants on the Niles reservation, asserting their title to lands which have been selected by the state for state purposes, under the act of July 25, 1836. The remonstrance seems to be intended for the action of the Executive, but as his power over the subject was exhausted so soon as the lands were selected by him for the state, the whole matter is referred to the legislature for their consideration.

The claimants set forth fully in their remonstrance, and the accompanying document addressed to the President of the United States the grounds upon which their right to the pre-emption of these lands is based. With this, however, the state of Michigan can have no concern, as it is a question exclusively within the province of the federal government to determine upon the validity of those claims.

I have endeavored to give the subject submitted by the claimants, a careful investigation; and with every desire to lend my aid in protecting the rights of the actual settler. I have been unable to determine upon any course of procedure, which could at present be adopted, without jeopardizing the claims of the state to the lands in question, as well as those of the individual claimants themselves.

It is true, the state might with the approbation of the Secretary of the Treasury of the United States, release her claims to these lands; but were this done, the rights of the pre-emption claimants would only be placed in a more hazardous condition by the procedure.

Their claims are now before the government of the United States for confirmation, and should it be determined that they are valid, the claim of the state, under her location, must of course become void. The selections of the state have not as yet been confirmed, and in all probability will not, until a final disposition is made of the conflicting individual claims to the same lands.

Should the pre-emption claims be rejected, the selections of the state will and should be confirmed. It is far better for the in-

terests of the individual claimants, in the event of failure in securing their possessions, that the state should become the proprietor of the lands, than that they should be brought into market and made a contested object of purchase between speculators. If the lands in question should, under a sale by the government of the United States, become the property of individual purchasers, the pre-emption claimant can expect no relief; with the state he would have an equitable claim to payment for his improvements; a claim which the state, I am satisfied, would not feel disposed to disregard. With this view of the subject, it is submitted to the legislature to adopt such measures as their better judgment may suggest.

STEVENS T. MASON.

*January 30, 1837.*

On motion of Mr. Lothrop, the message and accompanying documents were referred to a select committee of five members, consisting of Messrs. Lothrop, Ward, Wing, Brown and Cornell.

On motion, the House resolved itself into a committee of the whole, Mr. Brown in the chair, on the "bill authorizing and requiring the supervisors of the county of Lenawee to build a fire proof register's office," and after spending some time therein, the committee rose, and through their chairman reported the same to the House without amendment.

On motion, said bill was laid upon the table.

The following message was received from the Senate, through their secretary:

Mr. SPEAKER—I herewith return to the House of Representatives, without amendment, the bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

On motion, the House adjourned until 10 o'clock to-morrow morning.

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*Wednesday, February 1.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred :  
By Mr. Bingham, of Livingston,

Of sundry inhabitants of said county, praying for the annexation of a part Oakland county to Livingston, referred to the select committee on that subject.

Also, of David Pierce and others, for the organization of a certain town in Livingston county, referred to the committee on organization of towns and counties.

By Mr. Ely, of Allegan,

Of Silas Gould and others, for a state road from Hunter's prairie to the mouth of the Thorn Apple river, referred to the committee on roads and bridges.

By Mr. Smith, of Cass,

Of sundry inhabitants of said county, for a bank at Edwardsburgh, which was laid upon the table.

By Mr. Burbank, of Oakland,

A petition of sundry citizens of Rochester in said county, for a bank in said town, which was laid upon the table.

Mr. Ely, from the committee on internal improvement, to which was referred a petition for a state road from Marshall to Saginaw, moved that the committee be discharged from the further consideration of the subject, and that said petition be referred to the committee on roads and bridges, which was agreed to.

Mr. Joseph Smith, from the committee on organization of towns and counties, reported "A bill to provide for the location of seats of justice," which was read the first and second time and laid upon the table.

Mr. Kingsley, from the committee on the judiciary, to which was recommitted the "bill providing for judgments recorded and filed in the clerk's office a lien upon real estate," reported adverse to the provisions of said bill, which was, on motion, laid upon the table.

Also, from said committee, who were instructed to inquire into the expediency of appointing commissioners of deeds in the several counties of this state, reported that they deem it unnecessary to appoint said commissioners, which report was adopted.

Also, from same committee, who were instructed to inquire into the expediency of providing by statute for enclosures of land by fences, reported that it is inexpedient to legislate on the subject, which report was adopted.

Also, from same committee, who were instructed to inquire into the propriety of the passage of an act to authorize a company to improve the Kalamazoo river by slack water navigation, reported that they see no cause for legislating upon the subject, which report was, on motion, laid upon the table.

Also, from the same committee, which were instructed to inquire into the expediency of passing a law to legalize certain township elections and to provide for the due execution of the law in the several townships of this state, reported adverse to legislating upon the subject, which report was adopted.

Mr. Eldred, from the committee on agriculture and manufactures, to which was referred sundry petitions and "A bill to incorporate the Michigan wool growing and manufacturing company," reported said bill to the House with sundry amendments, which was laid upon the table and ordered to be printed.

Mr. Ward, from previous notice given, asked and obtained leave to bring in a bill, "An act to organize the township of Oronoka," which was read the first and second time and laid upon the table.

Mr. Ely gave notice that he should, at some future day, ask leave to introduce a bill to amend the ninth section of an act entitled "An act to construct dams and improve the navigation of certain rivers," approved March 24, 1836.

Mr. Almy gave notice that at some future day he should ask leave to introduce a bill for the incorporation of a company for the purpose of erecting a bridge across the Grand river, at some convenient place on the rapids, by the name, style and direction of the Grand Rapids bridge company.

Mr. Butler gave notice that on some future day he should ask leave to bring in a bill to authorize the inhabitants of the town of Logan to elect five justices of the peace, it being an incorporated town.

Mr. Ballard gave notice that he should ask leave, on some future day, to bring in a bill to incorporate the village of Tecumseh, in Lenawee county.

On motion of Mr. Purdy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of taxing all land according to its true value

with reference to soil and location, improvements under fifty acres and buildings under two hundred and fifty dollars excepted.

On motion of Mr. Felch,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety and expediency of making some provision by law which will secure the speedy record of all patents for land lying within this state, and report by bill or otherwise.

Mr. Almy laid upon the table the following :

*Resolved*, That as the sense of this House, that the picture now hanging in one of the committee rooms in this building, is a gross caricature of the person and features of General George Washington, late president of the United States, and that the same ought to be removed to some place more appropriate to its merits.

*Resolved*, That a committee of three, of which his excellency the Governor shall be one, be, and they are hereby, authorized to contract with some distinguished artist in the United States, for a full length copy of Seward's picture of General George Washington, to be placed in the hall of the House of Representatives, also a copy of the most approved picture of General Lafayette, to be placed in the Senate chamber, and that the sum of five hundred dollars be appropriated towards defraying the expense thereof.

Mr. Ward, on leave, presented the affidavit of sundry inhabitants of Ionia county, relative to the seat of justice, of said county, which was referred to the Committee on the removal of the seats of justice.

Mr. Cornell gave notice that he should, on some future day, ask leave to bring in a bill for the division of a township in the county of Jackson.

The bill from the Senate, "A bill to repeal an act entitled 'An act to provide for establishing seats of justice,' " was taken up read and on motion, committed to the committee on the judiciary.

On motion of Mr. Ward,

The "bill to regulate the interest of money," with the amendments, heretofore laid upon the table, was taken up.

The question being upon the adoption of the amendment offered by Mr. Felch, of Monroe, on the 27th ultimo, to stand as a substitute to the first three sections of said bill, Mr. Convis moved further to amend, by adding the following proviso, which was negatived :

"If any person shall, directly or indirectly, take any more than seven per cent. per annum, on any note, bond, mortgage, or other obligation, all goods, chattels, lands, tenements, or other commodities, shall be a legal set off in payment of the same; and if the parties concerned cannot agree on the value of the article tendered in payment, the parties interested shall each call on some suitable person to appraise the property so tendered in payment on the said note, bond, mortgage, or other obligation."

Mr. Purdy moved to amend by striking out the second and third sections of the amendment, which was, on motion, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Cressey,	Mr. Lothrop,	Mr. Phillips,	
Mr. Convis,	Mr. Munger,	Mr. Job Smith,	
Mr. Kellogg,	Mr. Martin,	Mr. Shattuck,	
Mr. Kingsley,	Mr. Purdy,	Mr. Yerkes,	12

## NAYS.

Mr. Alden,	Mr. Eldred,	Mr. Martin,	
Mr. Almy,	Mr. Ferrington,	Mr. Monfore,	
Mr. Brown,	Mr. Felch,	Mr. McGaffey,	
Mr. Bingham,	Mr. Farrington,	Mr. Ralph,	
Mr. Burbank,	Mr. Finch,	Mr. Jos. Smith,	
Mr. Butler,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Ballard,	Mr. Herrington,	Mr. Thayer,	
Mr. Burke,	Mr. King,	Mr. Wing,	
Mr. Calkin,	Mr. Lee,	Mr. Ward,	
Mr. Cornell,	Mr. Levake,	Mr. Speaker,	
Mr. Colbath,			30

The question again recurring upon the original amendment offered by Mr. Felch, it was, on motion, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Eldred,	Mr. Levake,	
Mr. Almy,	Mr. Ferrington,	Mr. Monfore,	
Mr. Brown,	Mr. Felch,	Mr. McGaffey,	
Mr. Butler,	Mr. Farrington,	Mr. Ralph,	
Mr. Ballard,	Mr. Finch,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Gilbert,	Mr. Thayer,	
Mr. Calkin,	Mr. Herrington,	Mr. Wing,	
Mr. Cornell,	Mr. King,	Mr. Ward,	
Mr. Colbath,	Mr. Lee,	Mr. Speaker,	27



## NAYS.

Mr. Bingham,  
Mr. Burbank,  
Mr. Cressey,  
Mr. Convis,  
Mr. Ely,  
Mr. Kellogg,

Mr. Kingsley,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,  
Mr. Purdy,

Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Yerkes,

16

Mr. Convis moved further to amend, by adding to the second section, "not to exceed 100 per centum per annum," which motion was negatived.

Mr. Burbank moved to amend, by inserting after the word "made," in the second line of the second section, "upon money actually loaned," which, on motion of Mr. Convis, was decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Burbank,  
Mr. Ballard,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Howe,

Mr. Kellogg,  
Mr. King,  
Mr. Lee,  
Mr. Munger,  
Mr. Martin,

Mr. Purdy,  
Mr. Phillips,  
Mr. Yerkes,  
Mr. Speaker,

14

## NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Burke,  
Mr. Convis,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,

Mr. Ferrington,  
Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Kingsley,  
Mr. Lothrop,  
Mr. Levake,

Mr. Monfore,  
Mr. McGaffey,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Thayer,  
Mr. Wing,  
Mr. Ward,

28

Mr. Purdy moved that the consideration of said bill be indefinitely postponed, which was, on motion of Mr. Convis, decided by yeas and nays, in the negative, as follows:

## YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Convis,  
Mr. Howe,  
Mr. Kellogg,

Mr. Kingsley,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,  
Mr. Purdy,

Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Yerkes,

15

## NAYS.

Mr. Almy,	Mr. Ely,	Mr. Levake,
Mr. Brown,	Mr. Ferrington,	Mr. Monfore,
Mr. Burbank,	Mr. Felch,	Mr. McGaffey,
Mr. Butler,	Mr. Farrington,	Mr. Ralph,
Mr. Ballard,	Mr. Finch,	Mr. Jos. Smith,
Mr. Burke,	Mr. Gilbert,	Mr. Thayer,
Mr. Calkin,	Mr. Herrington,	Mr. Wing,
Mr. Cornell,	Mr. King,	Mr. Ward,
Mr. Colbath,	Mr. Lee,	Mr. Speaker,
Mr. Eldred,		

28

Mr. Convis moved further to amend by striking out the third section of said bill; which, on motion, was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Almy,	Mr. Kellogg,	Mr. Ralph,
Mr. Bingham,	Mr. Lothrop,	Mr. Job Smith,
Mr. Convis,	Mr. Levake,	Mr. Shattuck,
Mr. Ely,	Mr. Martin,	Mr. Thayer,
Mr. Ferrington,	Mr. Purdy,	Mr. Yerkes,
Mr. Howe,	Mr. Phillips,	

17

## NAYS.

Mr. Alden,	Mr. Felch,	Mr. Munger,
Mr. Brown,	Mr. Farrington,	Mr. Monfore,
Mr. Butler,	Mr. Finch,	Mr. McGaffey,
Mr. Ballard,	Mr. Gilbert,	Mr. Jos. Smith,
Mr. Burke,	Mr. Herrington,	Mr. Shellhouse,
Mr. Calkin,	Mr. Kingsley,	Mr. Wing,
Mr. Cornell,	Mr. King,	Mr. Ward,
Mr. Colbath,	Mr. Lee,	Mr. Speaker,
Mr. Eldred,		

25

Mr. Felch moved further to amend, by inserting the following, to stand as the fourth section, which was agreed to :

Sec. 4. Nothing contained in this act shall be so construed as to authorize any banking or moneyed institution in this state to demand or receive a greater or higher rate of interest than said bank or moneyed institution is, or may be, authorized by its charter to demand and receive.

Mr. Burbank moved to amend, by striking out all after the enacting clause, which, on motion of Mr. Convis, was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Bingham,	Mr. Kingsley,	Mr. Phillips,	
Mr. Burbank,	Mr. Lothrop,	Mr. Job Smith,	
Mr. Convis,	Mr. Martin,	Mr. Shattuck,	
Mr. Kellogg,	Mr. Purdy,	Mr. Yerkes,	12

NAYS.

Mr. Alden,	Mr. Ferrington,	Mr. Munger,	
Mr. Almy,	Mr. Felch,	Mr. Monfore,	
Mr. Brown,	Mr. Farrington,	Mr. McGaffey,	
Mr. Butler,	Mr. Finch,	Mr. Ralph,	
Mr. Ballard,	Mr. Gilbert,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Herrington,	Mr. Shellhouse,	
Mr. Calkin,	Mr. Howe,	Mr. Thayer,	
Mr. Cornell,	Mr. King,	Mr. Wing,	
Mr. Colbath,	Mr. Lee,	Mr. Ward,	
Mr. Eldred,	Mr. Levake,	Mr. Speaker,	
Mr. Ely,			31

Mr. Farrington moved further to amend, by inserting at the end of the first section the words "except as hereinafter provided," which was agreed to.

Mr. Thayer moved to amend, by inserting at the end of the second section the words "not to exceed fifty per centum," which, on motion of Mr. Convis, was decided, by yeas and nays in the negative, as follows:

YEAS.

Mr. Bingham,	Mr. Lothrop,	Mr. Monfore,	
Mr. Convis,	Mr. Manger,	Mr. Phillips,	
Mr. Ely,	Mr. Martin,	Mr. Thayer,	9

NAYS.

Mr. Alden,	Mr. Felch,	Mr. McGaffey,	
Mr. Almy,	Mr. Farrington,	Mr. Purdy,	
Mr. Brown,	Mr. Finch,	Mr. Ralph,	
Mr. Burbank,	Mr. Gilbert,	Mr. Job Smith,	
Mr. Butler,	Mr. Herrington,	Mr. Shattuck,	
Mr. Ballard,	Mr. Howe,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Calkin,	Mr. Kingsley,	Mr. Wing,	
Mr. Cornell,	Mr. King,	Mr. Ward,	
Mr. Colbath,	Mr. Lee,	Mr. Yerkes,	
Mr. Eldred,	Mr. Levake,	Mr. Speaker,	
Mr. Ferrington,			34

Said bill was then ordered to be engrossed, and read a third time to-morrow.

The following communication was received from the Executive through his private secretary, Mr. Jackson.

*To the Senate and House of Representatives :*

In compliance with the request of the Governor of the state of Georgia, I herewith transmit to the Senate and House of Representatives the report and resolutions of the legislature of that state, on the subject of the surplus revenue.

STEVENS T. MASON.

*February 1, 1837.*

On motion, the above communication, with accompanying documents, was referred to the committee on the judiciary.

Mr. Burbank offered the following:

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the directors of the several banks in said state, be, and they are hereby, required to furnish the Governor and the said Senate and House of Representatives forthwith, with a statement or return which shall state the amount of capital stock paid in, of the debts due the same, of the moneys deposited therein, of the notes in circulation, and of the specie on hand, properly sworn to in the manner provided in the charters of the several banks.

Which, on motion, was laid upon the table.

On motion of Mr. Lee,

The House resolved itself into a committee of the whole, Mr. Convis in the chair, upon the "bill appointing commissioners to lay out a state road from Lyons to Dexter," and after spending some time therein, the committee rose and through their chairman reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill was laid upon the table.

On motion of Mr. Lothrop,

The vote taken yesterday on the final passage of "A bill to incorporate the Lenawee county mutual fire insurance company," was reconsidered.

Mr. Lothrop moved to amend said bill, by striking out from the sixth section all after the words "maker thereof."

Mr. Butler moved to amend the amendment by adding the following proviso to said section:

*“Provided, That nothing in this section shall so be construed as to give to said corporation the right or authority to exercise banking privileges”* which was negatived; the question recurring upon the amendment proposed by Mr. Lothrop, it was agreed to.

The question being upon the final passage of said bill, it was decided in the affirmative by yeas and nays, as follows:

## YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Martin,	
Mr. Almy,	Mr. Felch,	Mr. McGaffey,	
Mr. Brown,	Mr. Farrington,	Mr. Purdy,	
Mr. Bingham,	Mr. Finch,	Mr. Phillips,	
Mr. Burbank,	Mr. Gilbert,	Mr. Ralph,	
Mr. Butler,	Mr. Herrington,	Mr. Job Smith,	
Mr. Ballard,	Mr. Howe,	Mr. Shattuck,	
Mr. Burke,	Mr. Kellogg,	Mr. Jos. Smith,	
Mr. Calkin,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Convis,	Mr. King,	Mr. Thayer,	
Mr. Cornell,	Mr. Lee,	Mr. Wing,	
Mr. Colbath,	Mr. Lothrop,	Mr. Ward,	
Mr. Eldred,	Mr. Levake,	Mr. Yerkes,	
Mr. Ely,	Mr. Munger,	Mr. Speaker,	42

## NAYS.

0

Mr. Butler asked and obtained leave of absence for Mr. Cressey, until Saturday next.

On motion of Mr. Convis,

The “bill to amend an act entitled ‘An act to incorporate the Michigan state bank,’” was taken up, committed to a committee of the whole House, and made the special order of the day for Friday next.

On motion, the House adjourned until to-morrow morning at 10 o'clock.

*Thursday, February 2.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred:

By Mr. Kingsley, of Washtenaw,

Of sundry inhabitants of said county, for a bank at Ann Arbor.

Referred to committee on banks and incorporations.

By Mr. Convis, of Calhoun,

Of Isaac E. Crary and others, for the appointment of commissioners to lay out a state road from Marshall to the county seat of Ionia county. Referred to the committee on roads and bridges.

By Mr. Burbank, of Oakland,

Of sundry inhabitants of the fifth senatorial district, for a charter for a company to construct a timbered road from Bloomfield to Detroit. Referred to the committee on roads and bridges.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate, entitled "A bill to repeal an act to provide for establishing seats of justice," reported the same to the House without amendment.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

On motion of Mr. Ely,

The House resolved itself into a committee of the whole, Mr. Lothrop in the chair, upon "A bill to incorporate the Detroit and Pontiac turnpike company;" and after spending some time therein, the committee rose and through their chairman reported the same to the House without amendment.

On motion of Mr. Ely, said bill was laid on the table.

The following message was received from the Senate through their secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled "A bill to authorize the supervisor and township clerk of the township of Marshall, to levy a tax on property assessed therein in 1836," with an amendment made thereto by the Senate, in which they respectfully ask the concurrence of the House of Representatives; and also herewith transmit for the concurrence of the House of Representatives, a bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

The bill returned from the Senate with an amendment, "A bill to authorize the supervisor and township clerk of the town-

ship of Marshall to levy a tax on property assessed therein in 1836," was taken up and considered. The question being upon concurring in the amendment made by the Senate, it was, on motion of Mr. Convis, concurred in.

Also, the bill from the Senate, "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," was taken up and read the first and second time and laid upon the table.

The following communication was received from the Executive through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

STEVENS T. MASON.

*February 2, 1837.*

The engrossed bill, "A bill to regulate the interest of money," was taken up and considered. The question upon its final passage was under consideration, when, on motion,

The House adjourned until 10 o'clock to-morrow morning.

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*Friday, February 3.*

The House met pursuant to adjournment.

Mr. Yerkes asked and obtained leave of absence for Mr. Foote.

The following petitions were presented and severally referred :

By Mr. Monfore, of Macomb,

Of sundry inhabitants of St. Clair, Macomb and Lapeer, for the extension of the St. Clair and Romeo railroad. Referred to the committee on internal improvement.

By Mr. Gilbert, of Macomb,

Of sundry inhabitants of St. Clair, Macomb and Lapeer, for the extension of the St. Clair and Romeo railroad. Referred to the committee on internal improvement.

By Mr. Ballard, of Lenawee,

Of sundry inhabitants of the village of Clinton, in said county, for the incorporation of said village. Referred to the committee on banks and incorporations.

By Mr. Kingsley, of Washtenaw,

Of David Rogers and others, of Ingham county, for the organization of a certain town in said county. Referred to the committee on the organization of towns and counties.

By the Chair,

Of the Brady Guards of the city of Detroit, for an act of incorporation. Referred to the committee on banks and incorporations.

Mr. Kingsley, from the committee on the judiciary, which were instructed to inquire into the expediency of providing by law for the recording of patents for land in this state, reported "A bill to provide for recording patents for land, and for other purposes," which was read the first and second time and laid upon the table.

Also, from the same committee, to which was committed "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" reported the same to the House with sundry amendments. Said bill and amendments were, on motion, laid upon the table.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled "An act to authorize the supervisor and township clerk of the township of Marshall, to levy a tax on property assessed therein in 1836."

Mr. Bingham, from the select committee to which was referred sundry petitions praying for the annexation of certain towns in Oakland county to Livingston county, reported "A bill to annex certain towns in the county of Oakland to the counties of Livingston and Genesee," which was read the first and second time and laid upon the table.

Mr. Ward, from the committee on the removal of seats of justice, to which was referred the petition of sundry inhabitants of the county of Ionia, praying for a review of the seat of justice of said county, made the following report, which was accepted, and the resolution therein contained adopted :



## REPORT.

That the petitioners have not complied with the "Act requiring the publication of notices in certain cases," approved March 16, 1836, your committee therefore deem it inexpedient to take the subject matter into consideration.

All of which, together with the following resolution, is respectfully submitted.

R. E. WARD, *Chairman*.

*Resolved*, That the representatives of the petitioners and remonstrants, relative to the review of the seat of justice of Ionia county, have leave to withdraw their respective papers, and that the committee be discharged from the further consideration of said petition.

Mr. Lee, from the committee on claims, to which was recommended "A bill for the relief of Samuel A. Bartlett and others," with sundry amendments, reported the same to the House with an amendment; which report was, on motion, laid upon the table.

Mr. Monfore, from previous notice given, asked leave to bring in "A bill to incorporate the Michigan insurance and loan company." The question being upon granting leave, it was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Finch,	Mr. Purdy,
Mr. Burbank,	Mr. Gilbert,	Mr. Phillips,
Mr. Butler,	Mr. Herrington,	Mr. Ralph,
Mr. Ballard,	Mr. Howe,	Mr. Job Smith,
Mr. Calkin,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cornell,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Eldred,	Mr. King,	Mr. Shellhouse,
Mr. Ely,	Mr. Lee,	Mr. Wing,
Mr. Ferrington,	Mr. Martin,	Mr. Yerkes,
Mr. Felch,	Mr. Monfore,	Mr. Speaker,
Mr. Farrington,	Mr. McGaffey,	

32

## NAYS.

Mr. Almy,	Mr. Burke,	Mr. Lothrop,
Mr. Brown,	Mr. Colbath,	Mr. Ward,
Mr. Bingham,		

7

Said bill was then read the first and second time, and committed to the committee on banks and incorporations.

Mr. Butler, from previous notice given, asked and obtained leave to bring in "A bill to incorporate the Adrian and Coldwater turnpike company." Said bill was read the first and second time and committed to the committee on internal improvement.

On motion of Mr. Wing,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for recording bills of sale and mortgages of personal property, in cases where it remains in the hands of the vender or mortgagor, after sale or mortgage.

The bill, "A bill to amend an act to incorporate the Michigan state bank," coming under the special order of the day for to-day, was taken up and, on motion, was laid on the table.

The bill, "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," was taken up, read the third time and passed.

The bill heretofore laid upon the table, "A bill appointing commissioners to lay out and establish a state road from Dexter to Lyons, in Ionia county," was then taken up, read the third time and passed.

On motion of Mr. Finch,

The bill, "An act to regulate the interest of money," was taken up, and on motion of Mr. Eldred, said bill was laid upon the table until Monday next.

On motion of Mr. Smith, of Cass,

The House took up the "bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" with the amendments made and reported by the committee on the judiciary. On motion of Mr. Convis, said bill was laid upon the table, and the amendments ordered to be printed.

On motion of Mr. Ward,

The bill heretofore laid upon the table, "A bill to provide for taking the census," with the amendments made thereto by the committee of the whole House, was taken up for a third reading. Mr. Convis moved to recommit said bill to the committee on the

judiciary. The question was, on motion of Mr. Convis, decided by yeas and nays in the negative, as follows:

YEAS.

Mr. Almy,	Mr. Kellogg,	Mr. Ralph,
Mr. Bingham,	Mr. Kingsley,	Mr. Job Smith,
Mr. Convis,	Mr. King,	Mr. Shattuck,
Mr. Finch,	Mr. Lothrop,	Mr. Wing,
Mr. Gilbert,	Mr. Martin,	Mr. Speaker,
Mr. Howe,		

16

NAYS.

Mr. Alden,	Mr. Colbath,	Mr. McGaffey,
Mr. Brown,	Mr. Eldred,	Mr. Purdy,
Mr. Burbank,	Mr. Ferrington,	Mr. Phillips,
Mr. Butler,	Mr. Felch,	Mr. Jos. Smith,
Mr. Ballard,	Mr. Farrington,	Mr. Shellhouse,
Mr. Burke,	Mr. Herrington,	Mr. Ward,
Mr. Calkin,	Mr. Lee,	Mr. Yerkes,
Mr. Cornell,	Mr. Monfore,	

23

Mr. Calkin moved to amend said bill by striking out the words "register of deeds and," and the words "meet at the clerk's office," in the second line of the sixth section, which motion was decided in the affirmative.

On motion of Mr. McGaffey, the blank in the eighth section was filled with "fifty dollars."

Mr. Finch moved that the bill lay upon the table, which was negatived.

Mr. Finch moved that the House adjourn; negatived.

Mr. Finch moved to recommit the bill to the committee on the judiciary, which was agreed to.

On motion of Mr. Bingham,

The vote taken this morning on committing the "bill to incorporate the Michigan insurance company," to the committee on banks and incorporations, was reconsidered, and, on motion of Mr. Monfore, said bill was committed to a select committee of five, consisting of Messrs. Monfore, Brown, Bingham, Finch and Phillips.

On motion, adjourned.

## AFTERNOON SESSION.

The hour of adjournment having arrived, the Speaker called the House to order, when, a quorum not being present,  
The House was adjourned.

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*Saturday, February 4.*

The House met agreeably to adjournment.

Mr. Lothrop presented the credentials of John S. Heath, a representative from the county of St. Clair, who, after being duly qualified, took his seat.

The Chair presented the following communication from the Auditor General, which was read and referred to the committee of ways and means.

*(See Document No. 12.)*

Also the following communication from the Secretary of State :

SECRETARY OF STATE'S OFFICE, }  
Detroit, Jan. 31, 1837. }

*To the Hon. CHARLES W. WHIPPLE,*

*Speaker of the House of Representatives :*

SIR—In obedience to the provision contained in the fifth section of the act entitled “ An act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan. and for other purposes,” approved March 28th, 1836, I have the honor to lay before the legislature the returns of the commissioners appointed under the said act.

With great respect,

Your obedient servant,

KINTZING PRITCHETTE,

Secretary of State.

The communication having been read, was, with the documents accompanying the same, referred to the committee on claims.

The following petitions were presented and severally referred :

By Mr. Smith, of Cass,

Of sundry inhabitants of said county, for a bank at Edwards-

burgh; which was, on motion of Mr. Smith, laid upon the table.

By Mr. Yerkes, of Oakland,

Of sundry inhabitants of Shiawassee county, for the organization of a certain town in said county. Referred to the committee on the organization of towns and counties.

By Mr. Gilbert, of Macomb,

Of sundry inhabitants of Lapeer, Macomb and St. Clair, for the extension of the St. Clair and Romeo railroad. Referred to the committee on internal improvement.

By Mr. Calkin, of Macomb,

A similar petition praying for the same object. Referred to the same committee.

By Mr. McKeen, of Lapeer,

Of Horace Hinman and others, for an act of incorporation to facilitate the early completion of the contemplated railroad from the mouth of Black river to Lake Michigan. Referred to the committee on internal improvement.

Mr. Ward, from the committee on the removal of seats of justice, made the following report, which was read, and on motion, laid upon the table, and the committee discharged from the further consideration of the subject.

#### REPORT.

The committee on the removal of county seats, to whom was referred a resolution requiring them to inquire into the expediency of removing the seat of justice of Branch county from the village of Branch to the village of Coldwater, have had the same under consideration, and beg leave to report :

That the village of Branch, the present county seat, is situated three-fourths of a mile from the geographical centre of the county, and the same distance south of the Chicago road, the great thoroughfare through the county. The seat of justice was located at this place some time in the year one thousand eight hundred and thirty-one ; and from the date of its location, various circumstances have conspired to produce a dissatisfaction in the minds of a majority of the citizens of the county, in regard to its location. The principal reasons stated before your committee, which produced this dissatisfaction, are, as follows : First, that the village

of Branch is not situated on the principal road through the county, and that a road cannot be made to communicate with Branch, that will divert the travel from the Chicago road, as the proposed route must pass through heavy timbered land, a proportion of which is low and marshy ; second, that the village of Branch cannot become the business centre of the county. It also was represented to your committee, that the village of Coldwater is situated on the Chicago road, three miles east of the geographical centre of said county, is believed to be the main business centre of the county, remote from lakes, marshes or stagnant waters, and that there are hydraulic privileges of considerable magnitude within a short distance of said village, and that it is the centre of the roads traversing the county.

The parties in favor of and adverse to the removal, have been permitted to lay before your committee all the arguments by them deemed necessary, and your committee believe that the main facts contained in their statements against Branch, and in favor of Coldwater, are herein set forth.

Your committee are convinced that it is of the utmost importance to the inhabitants of the county that a final and early action be had on this vexed question, and although your committee are aware that the village of Branch is the more contiguous to the geographical centre of the county, nevertheless they are of the opinion that Coldwater, from its business location, and being easier approached by roads, will better convene the people of said county.

Your committee therefore have come to the conclusion to report a bill to vacate the present seat of justice of said county, and relocate the same at Coldwater, and submit the same to the consideration of this House, believing that the facts set forth in this report will enable the members to come to a correct decision upon the subject.

The above report, with the following resolution, are most respectfully submitted.

R. E. WARD, *Chairman.*

*Resolved,* That the committee on the removal of county seats be discharged from the further consideration of the subject.

Also reported a bill, " An act to vacate the seat of justice of

Branch county, and to establish the same at Coldwater village, in said county," which was read the first and second time, and laid upon the table.

Mr. Almy, from the committee on roads and bridges, to which was referred the petition of sundry persons praying for an act of incorporation to construct a timbered road from Bloomfield to Detroit, made the following report, which was read and laid upon the table, and the committee discharged from the further consideration of the subject.

#### REPORT.

That they have had the matter under consideration, and that they unanimously agreed and accordingly instructed their chairman to report favorably on the application of said petitioners; and also to introduce a bill for incorporating said company. That it also appears that a similar application was about the same time referred to the committee on internal improvement, who have, by their chairman, reported to this House a bill for incorporating another company to construct a turnpike road over the same ground, which bill has been reported and is now before the House. Your committee, after being apprised of this fact, and being desirous that the House should be put in possession of all the information relative to the comparative merits of the different modes of constructing said road, have therefore concluded to ask leave of the House to introduce a bill incorporating the Bloomfield road company, and they beg leave to be discharged from the further consideration of the matter.

J. ALMY,

*Chairman of the Committee on roads and bridges.*

Also reported "A bill to incorporate the Bloomfield road company," which was read the first and second time, and laid upon the table.

Mr. Ely, from the committee on internal improvement, reported "A bill authorizing the construction of certain dams therein named," which was read the first and second time, and laid upon the table.

On motion of Mr. Finch,

*Resolved,* That the committee on the judiciary be instructed to

inquire into the propriety of repealing so much of section six of an act entitled "An act to provide for the assessment and collection of territorial taxes," as shall relieve all merchants and traders from the tax imposed by said act, and report by bill or otherwise.

Mr. Lothrop laid upon the table the following joint resolution :

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators in Congress be instructed, and our representative requested, to use their influence to procure the passage of a law granting to this state five per cent. on all money received into the treasury of the United States, on the sale of public lands in this state, since the second day of November, A. D. 1835, to the second day of July, A. D. 1836.

*Resolved,* That this resolution be sent to the Senate for its concurrence.

On motion of Mr. Burbank,

*Resolved,* That the committee on ways and means be instructed to inquire into the expediency of amending the act entitled "An act fixing the salary of certain officers," and to report by bill or otherwise.

The following bills, a bill entitled "An act authorizing a loan of a sum not exceeding \$5,000,000," also "A bill for the regulation of internal improvement and for the appointment of a board of commissioners," and "A bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," coming under the special orders of the day, were taken up, and on motion of Mr. Convis, the House resolved itself into a committee of the whole, Mr. Ward in the chair, on the above named bills, and after spending some time therein, the committee rose, and through their chairman, reported the two first named bills to the House, with sundry amendments, which were concurred in, and reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Convis,

The two first named bills, with the amendments, were laid upon the table.



Mr. Bingham asked and obtained leave of absence for Mr. Purdy.

Mr. Job Smith asked and obtained leave of absence for Mr. Munger, until Monday next.

Mr. Alden, of Branch, offered the following resolution, and moved its adoption :

*Resolved*, That the thanks of this House be tendered to our senators and representative in Congress, for the untiring zeal and unremitting fidelity with which they have endeavored to sustain the rights of the state of Michigan, against the unjust assumption of a powerful sister state ; and that although Michigan has at length, after a long and painful struggle for her rights, been admitted into the Union, bereft of a fair and important portion of her territory, the dismemberment is not attributable to them, but to causes beyond their control.

Mr. Felch moved to lay the resolution on the table, which was negatived.

The question recurring upon the motion of Mr. Alden, the resolution was adopted.

The following communication was received from the Executive through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and signed " An act to authorize the supervisor and township clerk of the township of Marshall to levy a tax on the property assessed therein in 1836."

STEVENS T. MASON.

*February 4, 1837.*

The following message was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit to the House of Representatives a joint resolution which has passed the Senate, entitled " A resolution relative to the library," in which the concurrence of the House of Representatives is respectfully requested.

On motion, the House adjourned until 10 o'clock on Monday morning next.

*Monday, February 6.*

The House met pursuant to adjournment.

The following petitions were presented and severally referred :

By Mr. Calkin, of Macomb,

Of Thomas Ewell and others, of the township of St. Clair, for the organization of a new town. Referred to the committee on the organization of towns and counties.

By Mr. Ballard, of Lenawee,

Of sundry inhabitants of said county, for the repeal of the act, &c. vacating the present seat of justice in said county, approved March 21st, 1836. On motion, said petition was referred to the committee on the judiciary.

By Mr. Butler, of Lenawee,

Of sundry inhabitants of Hillsdale and Lenawee, for a bank at the village of Rollin, in Lenawee county. Referred to the committee on banks and incorporations.

By Mr. Smith, of Cass,

Of sundry inhabitants of said county, praying for a bank in said county ; which, on motion of Mr. Smith, was laid upon the table.

Mr. Wing, from the committee on removal of seats of justice, to which was referred sundry petitions and remonstrances, relative to the removal of the seat of justice of Hillsdale county, made the following

#### REPORT :

That they have attentively considered the petitions and remonstrances above mentioned, and have patiently listened to the statements of many of the inhabitants of that county made before the committee ; from all which they are satisfied that the lands in this county are generally good and admit of cultivation, and are traversed in almost every direction by mill streams and brooks ; that they are principally owned by individuals, the greater part of whom now reside in the county, or are expected to remove to it this year. Both parties admit that Jonesville, the present seat of justice, is situate eight miles north of the geographical centre ; eight miles east of the west line, and six miles south of the north line of said county ; and that in reference to the present settlements, it is sufficiently central. It is not denied

but that the seat of justice must be removed to a more central position in the county in the course of a few years ; in the mean time, the inhabitants of the village of Jonesville urge the propriety of allowing it to remain unmolested; they say they have convenient buildings for the transaction of public business, and that the Chicago road passes through their place. All this is admitted by the petitioners. Both parties appear to agree in the fact, that the seat of justice ought not to remain at Jonesville after the year 1840.

The petitioners claim that immediate measures should be adopted to select a point to which it may be removed after that period, to prevent further contention on this subject, and to enable the inhabitants of the county to construct roads leading to and from it. The population of the county is said to be about twenty-five hundred, which number will probably be increased to thirty-five hundred during this year. It is further urged by the petitioners, that if the point for the permanent seat of justice be selected at this time, the population and wealth of the county will require that permanent public buildings should be erected, and that these should be constructed and had in readiness for the courts and county offices by the year 1840. The views of your committee accord with those of the petitioners; they therefore report the following bill.

The report having been read, it was, on motion, laid on the table.

Also, reported " A bill to vacate the present seat of justice of the county of Hillsdale, and providing for a relocation of the same;" which was read the first and second time and laid upon the table.

Mr. Ely, from the committee on internal improvement, reported " A bill to incorporate the Ypsilanti and Flat Rock canal and navigation company ;" which was read the first and second time and laid upon the table.

Mr. Lothrop called up the joint resolution laid on the table by him on Saturday last, instructing our senators and representative in Congress relative to the five per centum of all moneys received into the treasury of the United States, on sales of public lands in this state, which was read and adopted.

The following message was received from the Senate through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled “A bill to amend the several acts relative to the supreme court, circuit court and court of chancery,” with an amendment, in which they respectfully ask the concurrence of the House of Representatives.”

On motion of Mr. King, of Mackinac,

*Resolved*, That the list of members absent on calling the roll each morning, be published in the journal of this House.

Mr. Cressey called up the resolution laid upon the table on the 20th ult. by Mr. Convis, relative to the adjournment of this session of the legislature.

The resolution having been read, Mr. Cressey moved to amend the same by striking out the word “fourth” before the word “March,” and insert “first” in lieu thereof.

Mr. Ely moved that said resolution be laid upon the table, which was agreed to.

The bills, a bill entitled “An act authorizing a loan of a sum not exceeding five millions of dollars,” and “A bill for the regulation of internal improvement, and for the appointment of a board of commissioners,” with the amendments made to the same by the committee of the whole House, laid upon the table on Saturday last, were taken up, and on motion, said amendments were concurred in.

On motion of Mr. Ely,

The “bill for the regulation of internal improvement, and for the appointment of a board of commissioners,” was recommitted to the committee on internal improvement.

On motion of Mr. Felch,

The House resumed in committee of the whole, Mr. Ward in the chair, the consideration of “A bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes;” and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Cornell in the chair, upon "A bill to organize and regulate banking associations;" and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion, adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Lothrop,

The House, in committee of the whole, Mr. Cornell in the chair, resumed the consideration of the "bill regulating banking associations;" and after spending some time therein, the committee rose and through their chairman reported progress, and asked and obtained leave to sit again.

On motion, adjourned.

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#### *Tuesday, February 7.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Convis, Ferrington, Felch, Farrington, Finch, Foote, Haskins, Kellogg, Lee, Levake, Purdy, Ralph, Wing.

The following petitions were presented and severally referred:

By Mr. Ward, of Berrien,

A petition from sundry inhabitants of Niles, praying for an act incorporating the Niles hydraulic company. Referred to the committee on banks and incorporations.

By Mr. Jos. Smith, of Cass,

A petition of Joseph Harper and others, for the passage of a law authorizing the supervisors of Cass county to loan ten thousand dollars for the purpose of erecting public buildings. Referred to the committee of ways and means.

By Mr. Almy, of Kent,

A petition from sundry inhabitants of Saginaw, for a canal from Grand river to the Saginaw river, which was read and laid upon the table.

By Mr. Ely, of Allegan,

Of sundry inhabitants of said county for a bank at Allegan.  
Referred to the committee on banks and incorporations.

Mr. Kingsley, from the committee on the judiciary, to which was committed the "bill to provide for taking the census," reported the same to the House with sundry amendments, which, with the amendments, were laid upon the table.

Mr. Ely, from the committee on internal improvement, to which was committed "A bill for the regulation of internal improvement and for the appointment of a board of commissioners," reported the same with sundry amendments, which was laid upon the table.

Mr. Eldred, from the committee on agriculture and manufactures, reported "A bill to authorize the draining of certain lands," which was read the first and second time and laid upon the table.

On motion of Mr. Ward,

*Resolved*, That the committee on claims be instructed to inquire into the expediency of allowing to Martin Kundig such expenses as he may have incurred upon his own responsibility in ministering to the necessities of the poor who were afflicted with the cholera in 1834.

The bill, with the amendments reported by the committee on internal improvement this morning, was taken up and read, and the amendments concurred in. Said bill being under consideration, Mr. Lothrop moved further to amend by striking out the words "the first annual meeting of said board which shall be on," in the 6th line of the 7th section, which was agreed to.

Mr. Calkin moved further to amend, by inserting after the word "number" in the 2d line of the 7th section, the words "who shall not be acting commissioner," which was agreed to.

Mr. Ward moved further to amend, by adding to the 9th section the words, "and said commissioner shall not be interested directly nor indirectly in any contract made as aforesaid," which was agreed to.

Mr. Felch moved further to amend, by inserting the following, to stand as the 15th section, which was agreed to.

"Said board of commissioners and every acting commissioner under their direction, shall be, and they are hereby, vested with

all the privileges and powers necessary for the location, construction and keeping in repair, all canals, railroads and other improvements of which they may have charge, and the said board, their agents, or those with whom they may contract for making or repairing any of said works of internal improvements, or any parts thereof, may enter upon, use and excavate any lands which may be wanted for the site of the same, or any other purpose which is necessary in the construction or repair of any of said works."

Said bill was then ordered to be engrossed and read a third time to-day.

The bill, a bill entitled "An act authorizing a loan of a sum not exceeding five million dollars," was taken up and considered.

Mr. Calkin moved to amend said bill by striking out the word "five" in the 7th line of the first section and insert "two and a half" in lieu thereof.

Mr. Lothrop moved to amend said amendment by inserting "three," which was negatived.

The question recurring upon the motion of Mr. Calkin, on motion of Mr. Cressey, a division of the question was ordered.

The question being upon striking out, on motion of Mr. Ward, it was decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Burbank,  
Mr. Calkin,  
Mr. Colbath,

Mr. Monfore,  
Mr. Phillips,

Mr. Wisner,  
Mr. Yerkes,

7

## NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,

Mr. Felch,  
Mr. Finch,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Heath,  
Mr. Martin,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Job Smith,  
Mr. Shattuck,

Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wing,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Ward,  
Mr. Speaker,

34

On motion of Mr. Felch, the first section was further amended by adding thereto the following: "to be deposited in the treasury

of this state, and denominated the fund for internal improvement, and the same shall be drawn therefrom agreeably to such provisions and appropriations as the legislature may make for works of internal improvement in this state."

Said bill was then ordered to be engrossed and read a third time.

On motion of Mr. Lothrop, the House resumed, in committee of the whole, Mr. Cornell in the chair, the consideration of the bill to organize and regulate banking associations," and after spending some time therein, the committee rose and through their chairman reported progress and asked and obtained leave to sit again.

The following message was received from the Executive through his private secretary:

Mr. SPEAKER—I am instructed by the Governor of the state to inform the House of Representatives, that he has approved and filed in the office of the Secretary of State, an act entitled "An act appointing commissioners to lay out and establish certain state roads," approved March 26, 1836.

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The following communication was received from the Executive through his private secretary, Mr. Jackson:

*To the Senate and House of Representatives:*

I conceive it my duty to inform the Senate and House of Representatives, that the first instalment under the act of Congress providing for the deposit of the surplus revenue of the United States, amounting to ninety-five thousand three hundred and eighty-three dollars eighty-three cents, has been received by the Treasurer of the state, and is now subject to the direction of the legislature. I would refer you to my annual message at the commencement of your present session, for the considerations which urge that this fund should be kept distinct from the ordinary receipts of the treasury; and as it remains at present unproductive to the state, I would respectfully suggest, that such measures be adopted as will enable the state to make it at once a source of revenue. The whole amount due the state under the act of



Congress, is three hundred and eighty-one thousand five hundred and thirty-five dollars thirty-one cents, as stated in the communication of the Secretary of the Treasury of the United States.

The five per cent. fund on the sales of public lands, which by the terms of the grant is to be exclusively appropriated to the construction of roads and canals, has not as yet been received, but I am advised that it will be transmitted at an early day.

STEVENS T. MASON.

*February 7, 1837.*

The communication having been read, was on motion referred to the committee of ways and means.

The Chair presented the following communication from the Executive, in relation to the pre-emption claimants on the Niles reservation.

EXECUTIVE DEPARTMENT, }  
February 7, 1837. }

*To the Hon. CHARLES W. WHIPPLE,*

*Speaker of the House of Representatives :*

SIR—The remonstrance of the pre-emption claimants on the Niles reservation, having been referred to the legislature, I herewith transmit an additional remonstrance, with the request that it may be laid before the appropriate committee.

I have the honor to be your obedient servant,

STEVENS T. MASON.

On motion, the petitions above referred to, were referred to the select committee heretofore appointed on this subject.

On motion of Mr. Lothrop, the House resumed, in committee of the whole, Mr. Cornell in the chair, the consideration of the "bill to organize and regulate banking associations," and after spending some time therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. Lothrop, a call of the House was ordered, when the clerk having proceeded to call the roll, and a quorum appearing to be present, on motion of Mr. Lothrop the call of the House was suspended.

On motion of Mr. Lothrop, the House again resumed, in committee of the whole, Mr. Cornell in the chair, the consideration of the above named bill, and after spending some time therein, the

committee rose, and through their chairman reported the same to the House with sundry amendments; on motion, said bill and amendments were laid on the table until to-morrow.

Mr. Wing called up the bill, "A bill to amend the several acts relative to the supreme court, circuit court and court of chancery," with an amendment made thereto by the Senate. The question being upon concurring in the amendment, it was decided in the affirmative. Said bill as amended was then read a third time and passed.

On motion, the House adjourned.

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*Wednesday, February 8.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Convis, Farrington, Haskins, McKeen and Ralph.

The following petitions were presented and severally referred:

By Mr. Gilbert, of Macomb,

Of sundry inhabitants of Lapeer and Macomb, for the extension of the St. Clair and Romeo railroad to some point on the Grand river or Lake Michigan.

By Mr. Wisner, of Oakland,

A remonstrance of sundry inhabitants of the township of Groveland, against the division of said town.

By Mr. Wing, of Monroe,

A petition of Elijah J. Roberts, claiming a seat as a member of the House of Representatives from the county of St. Clair.

Mr. Lothrop moved that said petition be laid upon the table, which was negatived.

On motion of Mr. Wing, said petition was referred to the committee on elections.

By Mr. Gilbert, of Macomb,

Application of sundry inhabitants of said county, for a bank at Romeo. Referred to the committee on banks and incorporations.

By Mr. Monfore, of Macomb,

Of sundry inhabitants of St. Clair, Lapeer and Macomb, for the extension of the St. Clair and Romeo railroad. Referred to the committee on internal improvement.

By Mr. Lee, of Washtenaw,

Of sundry inhabitants of Shiawassee and Oakland, for a state road from Farmington to Byron. Referred to the committee on roads and bridges.

By Mr. Wisner, of Oakland,

Of Oliver Draper and others, praying to be set off into a separate township. Referred to the committee on the organization of towns and counties.

By Mr. Heath, of St. Clair,

A petition of Ira Porter and others, for a railroad from the mouth of Black river to Grand river. Referred to the committee on internal improvement.

Also of sundry citizens of Cottrelville, in St. Clair county, for altering the southern boundary of said town. Referred to the committee on the organization of towns and counties.

By Mr. Cornell, of Jackson,

Of Jerry Ford, praying for the privilege of erecting a dam across Grand river on section twenty-four, town three north, range three west. Referred to the committee on internal improvement.

Mr. Almy gave notice that he should, on some future day, ask leave to introduce a bill incorporating a company by the name, style and description of the Grand river and Saginaw canal company, with a capital of one hundred and fifty thousand dollars.

Mr. Burbank called up the joint resolution offered by him on the first instant, and laid upon the table, relative to requiring the directors of the several banks in this state to furnish the Governor and legislature with certain information concerning said banks. Said resolution having been read, was adopted.

Mr. Kingsley gave notice that at some future day he should ask leave to bring in a bill to incorporate a bank in the county of Ingham.

Mr. Cornell gave notice that on some future day he should ask leave to bring in a bill to lay out a state road from Jacksonburgh to Cushuay's trading post, on Maple river.

On motion of Mr. Ely,

*Resolved*, That the committee on internal improvement be, and they are hereby, instructed to inquire into the expediency of

borrowing the fund now in the treasury, commonly known as the surplus fund, to be applied for the purposes of internal improvement, and to be repaid when the state shall have borrowed money for that purpose.

On motion of Mr. Felch,

The House resolved itself into a committee of the whole, Mr. Burbank in the chair, on "A bill to vacate the seat of justice of Branch county, and to establish the same at Coldwater village, in said county," and after spending some time therein, the committee rose, and reported the same to the House without amendment.

Said bill being under consideration, Mr. Lothrop moved to strike out all of the first section after the enacting clause. Pending the question,

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The unfinished business of this morning, the consideration of the "bill to vacate the seat of justice of Branch county, and to establish the same at Coldwater village, in said county," was resumed. The question being upon the motion of Mr. Lothrop, to strike out all of the first section, after the enacting clause,

Mr. Burbank moved that said bill be laid on the table, which was negatived.

On motion of Mr. Cressey,

The previous question upon the engrossment and third reading of the bill was ordered. The question being upon the engrossment and third reading of the bill, on motion of Mr. Alden, it was decided by yeas and nays in the negative, as follows:

#### YEAS.

Mr. Alden,  
Mr. Burbank,  
Mr. Butler,  
Mr. Cressey,  
Mr. Finch,  
Mr. Foote,

Mr. Gilbert,  
Mr. Howe,  
Mr. Kellogg,  
Mr. Monfore,  
Mr. Purdy,  
Mr. Shattuck,

Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker, 17

NAYS.

Mr. Brown,	Mr. Ferrington,	Mr. Munger,	
Mr. Bingham,	Mr. Felch,	Mr. Martin,	
Mr. Ballard,	Mr. Herrington,	Mr. McGaffey,	
Mr. Burke,	Mr. Kingsley,	Mr. McKeen,	
Mr. Calkin,	Mr. King,	Mr. Phillips,	
Mr. Cornell,	Mr. Lee,	Mr. Shellhouse,	
Mr. Colbath,	Mr. Lothrop,	Mr. Thayer,	22
Mr. Eldred,			

The following message was received from the Senate through their secretary :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives, that the Senate have passed without amendment, the bill from the House entitled “ A bill appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia,” and “ A resolution instructing our senators and representative relative to certain matters therein named,” and with certain amendments, in which they respectfully request the concurrence of the House of Representatives, the bill entitled “ A bill to incorporate the village of Coldwater, in the county of Branch.” I also transmit herewith a bill which has passed the Senate, entitled “ A bill to organize the counties of Ionia and Van Buren,” in which the concurrence of the House is respectfully requested.

On motion of Mr. Cressey,

The House resolved itself into a committee of the whole, upon “ A bill to provide for the location of seats of justice,” and after spending some time therein, the committee rose, and through their chairman, reported the same to the House.

On motion of Mr. McKeen, said bill was committed to the committee on the judiciary.

On motion, the House adjourned.

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*Thursday, February 9.*

The House met pursuant to adjournment.

The roll being called, the following members were absent :

Messrs. Almy, Convis, Ely, Farrington, Howe, Haskins, Levake, Martin, McKeen, Phillips, Ralph, Wing and Ward:

The following petitions were presented and severally referred :

By Mr. Heath, of St. Clair,

Of sundry citizens of Desmond, in said county, for a ferry.  
Referred to the committee on roads and bridges.

By Mr. Phillips, of Oakland,

Of sundry inhabitants of said county, praying that the fund denominated the surplus fund, be appropriated for the support of common schools. Referred to the committee of ways and means.

Also, of C. D. Wolcott and others, for a railroad from Detroit to Grand river. Referred to the committee on internal improvement.

On motion of Mr. Ward,

*Resolved*, That the committee on the judiciary be instructed to report a law for the preservation of fruit and shade trees.

Mr. Phillips moved the suspension of the sixteenth rule, to enable him to introduce the following joint resolution, which was agreed to :

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the state Treasurer be, and he is hereby, directed to deposite in the Michigan state bank, the money in his hands which he has received from the United States treasury, as part of the surplus revenue, to be retained by said bank thirty days, at such rate of interest as he may deem proper.

The resolution having been read the second time, the twenty-second rule was, on motion, suspended, and said resolution was read the third time and passed.

Mr. Wisner offered the following resolution and moved its adoption :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reporting a law for the more effectual preservation of the public peace within this state, and for the punishment of rioters.

The question being upon its adoption, it was negatived

Mr. Felch, from the committee on enrolment, on leave granted, reported as correctly enrolled, " A bill to amend the several acts

relative to the supreme court, circuit court and court of chancery."

Mr. Bingham moved a reconsideration of the vote taken yesterday, on the engrossment and third reading of the "bill vacating the seat of justice of Branch county, and establishing the same at Coldwater village, in said county."

On motion of Mr. Lothrop, the question upon reconsidering said vote, was decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Alden,	Mr. Felch,	Mr. Monfore,	
Mr. Bingham,	Mr. Finch,	Mr. Purdy,	
Mr. Burbank,	Mr. Foote,	Mr. Shattuck,	
Mr. Butler,	Mr. Howe,	Mr. Wisner,	
Mr. Cressey,	Mr. Heath,	Mr. Ward,	
Mr. Calkin,	Mr. Kellogg,	Mr. Yerkes,	
Mr. Ely,	Mr. Lee,		20

#### NAYS.

Mr. Almy,	Mr. Eldred,	Mr. Levake,	
Mr. Brown,	Mr. Ferrington,	Mr. Munger,	
Mr. Ballard,	Mr. Gilbert,	Mr. McGaffey,	
Mr. Burke,	Mr. Kingsley,	Mr. Phillips,	
Mr. Cornell,	Mr. King,	Mr. Jos. Smith,	
Mr. Colbath,	Mr. Lothrop,	Mr. Shellhouse,	18

On motion of Mr. Ward, the whole subject was laid upon the table.

On motion of Mr. Kingsley,

"A bill to organize and regulate banking associations," with the amendments made thereto in committee of the whole, was taken up and considered.

Mr. Lothrop moved that all the amendments made in committee of the whole, except the amendments to sections three and seventeen, be concurred in, which was agreed to.

Mr. Jos. Smith moved that the amendment made to the second line of the third section in committee of the whole, be concurred in, which was negatived.

Also, moved that the House concur in the amendments made in the fourth line of the third section, which was agreed to.

Also, moved that the House concur in the amendments made to the seventeenth section, which was agreed to.

On motion of Mr. Kingsley, the words "any two judges of the circuit court," in the fourth and fifth lines of the first section, were stricken out, "the treasurer and clerk" inserted in lieu thereof.

On motion of Mr. Cornell, said bill was further amended by striking out the sixth section.

Mr. Levake moved that the House adjourn until ten o'clock tomorrow morning, which motion was lost.

On motion of Mr. McGaffey, the word "judges," wherever it occurs in said bill, was stricken out, and the words "treasurer and clerk" inserted in lieu thereof.

On motion of Mr. Burbank, said bill was further amended by adding to the thirty-sixth section the words "by a vote of two-thirds of each House."

On motion of Mr. Lothrop, said bill was further amended by striking out the proviso in the twenty-seventh section, and insert the following in lieu thereof:

*"Provided, The association shall pay twenty per centum damages and all costs that may accrue, and nothing herein contained shall prevent an injunction being issued whenever any payment or demand shall be refused, or the continuance thereof, if the said association from and after thirty days from the time of the first refusals to redeem their bills in specie, shall not resume the payment of their bills in specie on demand at their banking-house."*

On motion of Mr. Burbank, the words "be persons in law," in the fifth line of the tenth section, were stricken out, and the words "shall in their corporate capacity be" inserted in lieu thereof.

On motion of Mr. Kingsley, said bill was further amended by striking out all of the thirteenth section to the word "it," in the third line, and also by striking out all after the word "state," in the sixth line, to the words "and to institute," in the seventh line of the same section.

On motion of Mr. McGaffey, said bill was further amended by inserting the following as a substitute for the fifteenth section:

*"In addition to the amount required to be paid in on the capital stock of such corporations before commencing operations, at least ten per centum thereon shall be paid at the expiration of*



each succeeding six months thereafter, until the whole stock shall have been paid."

On motion, the House adjourned until 10 o'clock A. M. tomorrow.

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*Friday, February 10.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Brown, Cressey, Calkin, Convis, Colbath, Ely, Farrington, Haskins, Lee, Levake, Munger, McGaffey, Phillips, Jos. Smith, Thayer, Wisner and Ward.

The following petitions and remonstrances were presented and severally referred:

By Mr. McKeen, of Lapeer,

A remonstrance of sundry inhabitants of said county, against the passage of a law authorizing the supervisors of said county to loan a certain sum of money.

On motion of Mr. McKeen, said remonstrance was laid upon the table.

By Mr. Kellogg, of Washtenaw,

Two petitions of sundry citizens of the town of Bridgewater, in said county, for the division of said town. Referred to the committee on the organization of towns and counties.

By Mr. Ralph, of Hillsdale,

Of D. C. Stilwell and others, for the appointment of commissioners to lay out a state road, commencing at Schoolcraft, in the county of Kalamazoo, and terminating at Adrian, in the county of Lenawee. Referred to the committee on roads and bridges.

By Mr. Kingsley, of Washtenaw,

Of sundry inhabitants of said county, for a bank at Ann Arbor. Referred to the committee on banks and incorporations.

Mr. Almy, from the committee on roads and bridges, to which was referred a petition for a ferry on the St. Clair river, reported "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river," which was read the first and second time and laid on the table.

Mr. Almy, from previous notice given, asked and obtained

leave to bring in "A bill to incorporate the Grand river and Saginaw canal company," which was read the first and second time by its title, and committed to the committee on internal improvement.

Also, from previous notice given, obtained leave to bring in "A bill to incorporate the Grand rapids bridge company," which was read a first and second time, and committed to the committee on roads and bridges.

Mr. Felch gave notice that on some future day he should ask leave to bring in a bill to incorporate the Dundee hydraulic company.

Mr. Wisner gave notice that on some future day he should ask leave to introduce a bill to incorporate the Shiawassee county bank, with a capital of \$50,000, with the privilege of increasing the same to \$300,000.

Mr. Monfore offered the following resolution, which was read and adopted :

Whereas, by an act of Congress, sections numbered sixteen, in the state of Michigan, denominated school sections, are reserved for the use of schools ; and by the constitution of said state, provision is made for establishing a permanent fund from the proceeds or sales of said sections : therefore, be it

*Resolved*, That the committee on university and school lands, be instructed to inquire into the expediency of providing by law for the disposition or sale of such lands in the several organized townships of this state, and to report by bill or otherwise.

The engrossed bill heretofore laid on the table, "A bill to regulate the interest of money" was taken up for consideration. The question being upon its final passage, Mr. Kingsley moved to commit said bill to the committee on the judiciary, with instructions to report the same to the House, with the following amendments, viz : to strike out the words "hereafter made" in the third line of the second section, and insert "upon the actual loan of money made after this act shall take effect."

Also to amend said section by adding thereto "not to exceed      per cent. per annum."

On motion of Mr. Bingham, a division of the question on the instructions was ordered.

The question being upon referring said bill to said committee with the first branch of the instructions, it was, on motion of Mr. Jos. Smith, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Bingham,	Mr. Kingsley,	Mr. Job Smith,	
Mr. Burbank,	Mr. King,	Mr. Shattuck,	
Mr. Cressey,	Mr. Lee,	Mr. Thayer,	
Mr. Howe,	Mr. Martin,	Mr. Yerkes,	
Mr. Heath,	Mr. Purdy,	Mr. Speaker,	
Mr. Kellogg,			16

## NAYS.

Mr. Almy,	Mr. Felch,	Mr. Monfore,	
Mr. Butler,	Mr. Finch,	Mr. McGaffey,	
Mr. Burke,	Mr. Foote,	Mr. McKeen,	
Mr. Cornell,	Mr. Gilbert,	Mr. Jos. Smith,	
Mr. Colbath,	Mr. Herrington,	Mr. Shellhouse,	
Mr. Eldred,	Mr. Lothrop,	Mr. Wing,	
Mr. Ely,	Mr. Levake,	Mr. Wisner,	21

The question being upon the second branch of the instructions, it was decided in the negative.

The question then being upon the final passage of said bill, it was, on motion of Mr. Kingsley, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Almy,	Mr. Felch,	Mr. McKeen,	
Mr. Butler,	Mr. Finch,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Herrington,	Mr. Wing,	
Mr. Colbath,	Mr. King,	Mr. Wisner,	
Mr. Eldred,	Mr. McGaffey,	Mr. Speaker,	18

## NAYS.

Mr. Bingham,	Mr. Heath,	Mr. Martin,	
Mr. Burbank,	Mr. Kellogg,	Mr. Purdy,	
Mr. Ballard,	Mr. Kingsley,	Mr. Job Smith,	
Mr. Cressey,	Mr. Lee,	Mr. Shattuck,	
Mr. Ely,	Mr. Lothrop,	Mr. Thayer,	
Mr. Foote,	Mr. Levake,	Mr. Yerkes,	19
Mr. Howe,			

The following message was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I

herewith transmit for the concurrence of the House of Representatives two bills which have passed the Senate, entitled "A bill to amend an act entitled 'An act fixing the rate of toll for grinding,' approved April 12th, 1837," and "A bill to authorize Nathaniel Odell to convey certain land." I also return herewith "A joint resolution requiring the directors of the several banks of this state to make certain returns," with an amendment made thereto by the Senate, in which the concurrence of the House is respectfully requested.

On motion of Mr. Lothrop,

The "bill to organize and regulate banking associations," was taken up for consideration.

Mr. Lothrop moved to insert after the word "treasurer," in the second line of the seventh section, the words "approved as aforesaid," which was agreed to.

Also to strike out "one" in the seventh line of the eighth section, and insert "two" in lieu thereof. Agreed to.

Also to strike out "one-third" in the first line of the eleventh section, and insert "thirty per centum."

Mr. McGaffey moved to amend the amendment by inserting "one-fifth," which was lost.

The question recurring upon the motion of Mr. Lothrop, it was decided in the affirmative.

Mr. Lothrop moved the said bill be engrossed for a third reading.

On motion of Mr. Bingham,

The question was decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,

Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Heath,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Levake,

Mr. Monfore,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wing,  
Mr. Yerkes,

## NAYS.

Mr. Almy,

Mr. Speaker,

2

The engrossed bill, "A bill to authorize the Governor to loan a certain sum of money," was taken up and read the third time. The question being upon its final passage, Mr. Ely moved to fill the blank in the fourth section with \$5000.

Mr. Bingham moved to fill the blank with \$500.

Mr. Lothrop moved to fill the blank with \$1000.

On motion of Mr. Bingham, said bill was recommitted to the committee on internal improvement, with instructions to report the same, with the following amendment, viz :

To strike out all after the word "act" in the second line of the fourth section, and insert "all contingent expenses incurred by the Governor in carrying out the provisions of this act, shall be allowed and paid out of the fund for internal improvement."

Mr. Ely, from the committee on internal improvement, to which was committed the last above named bill, with certain instructions, reported the same to the House, in conformity to such instructions.

Said bill was then read the third time and passed.

Mr. McKeen asked and obtained leave of absence for Mr. Brown.

Mr. Cornell asked and obtained leave of absence for Mr. Lothrop, until Tuesday next.

Mr. Purdy for Mr. Alden, for this day.

Mr. Monfore for Mr. Calkin.

On motion, the House adjourned.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Almy,

The House resolved itself into a committee of the whole, Mr Wing in the chair, on the following bills : "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville ;" also "A bill to incorporate the Pontiac and Huron river canal company ;" and after spending some time therein, the committee rose, and through their

chairman, reported the first named bill to the House, with sundry amendments, which were concurred in.

And on the second named bill, reported progress and asked and obtained leave to sit again.

On motion of Mr. Finch,

The House took up the joint resolution from the Senate relative to the library, which was read the first and second time, and laid on the table.

On motion of Mr. Howe, the House adjourned.

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*Saturday, February 11.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Alden, Brown, Burbank, Calkin, Convis, Eldred, Farrington, Haskins, Lothrop, Monfore, McKeen, Phillips, Ralph, Job Smith, Wisner, Yerkes.

Mr. Colbath asked and obtained leave of absence for Mr. Job Smith.

The following petitions and remonstrances were presented and severally referred:

By Mr. McGaffey, of St. Joseph,

A remonstrance of sundry citizens of the town of Bucks, in said county, against the division of said town. Referred to the committee on the organization of towns and counties.

By Mr. Almy, of Kent,

A petition of sundry inhabitants of Ottawa county, praying to be organized for judicial purposes. Referred as above.

Also, a remonstrance of sundry inhabitants of Ottawa county, against being attached to the town of Byron, Kent county. Referred as above.

By Mr. Howe, of Washtenaw,

A petition of John Lowry and others, for a railroad from Manchester to Ypsilanti in said county. Referred to the committee on internal improvement.

By Mr. Kellogg, of Washtenaw,

A similar petition, praying for the same object. Referred as above.

By Mr. Ely, of Allegan,

Of Asher B. Bates and others, for the survey of a canal route from the head waters of the Huron to the head waters of the Kalamazoo river. Referred as above.

By Mr. Martin, of Wayne,

Of sundry inhabitants of said county, for a canal from the Clinton river, in Macomb county, to the city of Detroit. Referred as above.

By Mr. Shattuck, of Washtenaw,

Of sundry inhabitants of Ypsilanti, for a railroad from Ypsilanti to Manchester. Referred as above.

By Mr. Alden, of Branch,

Of Lemuel Bingham and heirs, for a title to a portion of the university land. Referred to the committee on university and school lands.

The following message from the Executive was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, "An act to amend the several acts concerning the supreme court, circuit courts and court of chancery of the state of Michigan.

STEVENS T. MASON.

*February 11, 1887.*

Mr. Monfore, from the select committee to which was committed "A bill to incorporate the Michigan insurance and loan company," made the following report, which, with said bill, was laid upon the table :

#### REPORT :

That they have had the same under consideration, and are of opinion that such an institution, with proper restrictions, may be highly beneficial. Your committee are aware that there are no insurance companies created by our legislature, transacting business to any amount in this state, but that companies chartered by other states have established agencies here, and are annually drawing from our citizens, for premiums of insurance, from sixty to one hundred thousand dollars. This state of things suggests to your committee the policy of increasing the number of our own insurance companies, in order to retain within our state the

large amount of money thus sent abroad. In the bill before us, there are two branches of insurance contemplated, which we deem worthy the consideration of the legislature. We refer to the marine and life insurance. The advantage to be derived from the former, to a state like ours, surrounded by navigable waters, will be readily admitted. The latter is a branch less understood, and is beginning to attract attention in the commercial cities in the United States. Such institutions multiply as their utility and advantages are becoming known. Another privilege contemplated by this bill is to receive moneys in trust, allowing interest for the same, and to become guardian of the estate of infants, under the direction of the Chancellor. Should this be the means of saving to infants what is yearly lost through the unfaithfulness or negligence of guardians and trustees, the public will derive much benefit from its operations. The bill places the proposed institution under the supervision of the Chancellor, who is required to investigate the affairs of the company; to report annually to the legislature his opinion of the ability and integrity with which it is conducted; and to suggest such modifications and amendments as he may deem the public good requires.

Your committee are of opinion that the general provisions of the bill are worthy the consideration of the House, and therefore report the same without amendment.

All which is respectfully submitted.

J. MONFORE, *Chairman.*

Mr. Kingsley, from the committee on the judiciary, reported "A bill to amend an act entitled 'An act to provide for defraying the public and necessary expenses in the respective counties of this territory,'" approved March 6th, 1826, which was read the first and second time and laid upon the table.

Mr. Alden, of Branch, from the committee on education, reported "A bill for the organization of the primary schools," which was read the first and second time and laid upon the table.

Mr. Gilbert gave notice that on some future day he should ask leave to bring in a bill to incorporate the "Michigan institute association."

On motion of Mr. Ely,



*Resolved*, That the committee on the judiciary be, and they are hereby, instructed to inquire into the expediency of repealing the third section of the act entitled "An act regulating marriages," approved April 12, 1827, and that they report by bill or otherwise.

On motion of Mr. Ward,

*Resolved by the House of Representatives*, That the committee on the judiciary be instructed to report a law authorizing the appointment of weigher, measurer and gauger in each county of the state.

Mr. Wing, from previous notice given by his colleague, Mr. Felch, asked and obtained leave to bring in a bill, "An act to legalize the proceedings, and to incorporate the Dundee hydraulic company," which was read the first and second time and laid upon the table.

The engrossed bill, "A bill for the regulation of internal improvement, and for the appointment of a board of commissioners," was taken up and read the third time.

Mr. McGaffey moved to recommit said bill to the committee on internal improvements, with certain instructions, which, on motion of Mr. Ward, was decided by yeas and nays in the negative, as follows :

#### YEAS.

Mr. Bingham,	Mr. Foote,	Mr. McKeen,	
Mr. Colbath,	Mr. Howe,	Mr. Shattuck,	
Mr. Ely,	Mr. McGaffey,	Mr. Wisner,	9

#### NAYS.

Mr. Alden,	Mr. Ferrington,	Mr. Monfore,	
Mr. Almy,	Mr. Felch,	Mr. Purdy,	
Mr. Butler,	Mr. Herrington,	Mr. Jos. Smith,	
Mr. Ballard,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Burke,	Mr. King,	Mr. Thayer,	
Mr. Cressey,	Mr. Lee,	Mr. Wing,	
Mr. Cornell,	Mr. Martin,	Mr. Ward,	
Mr. Eldred,			22

The question being upon filling the blank in the fourth line of the twelfth section, Mr. Ely moved to fill said blank with "forty thousand," which was agreed to.

On motion of Mr. Alden, the blank in the last line of the fifteenth section, was filled with "three dollars."

The question being upon the final passage of said bill, on motion of Mr. Ward, the question was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Felch,	Mr. Monfore,
Mr. Almy,	Mr. Finch,	Mr. McGaffey,
Mr. Bingham,	Mr. Foote,	Mr. McKeen,
Mr. Butler,	Mr. Gilbert,	Mr. Purdy,
Mr. Ballard,	Mr. Herrington,	Mr. Shattuck,
Mr. Cressey,	Mr. Howe,	Mr. Jos. Smith,
Mr. Cornell,	Mr. Heath,	Mr. Shellhouse,
Mr. Colbath,	Mr. Kellogg,	Mr. Thayer,
Mr. Eldred,	Mr. King,	Mr. Wing,
Mr. Ely,	Mr. Lee,	Mr. Ward,
Mr. Ferrington,	Mr. Levake,	

32

Mr. Ely moved a reconsideration of the vote taken yesterday, on the "bill regulating the interest of money," which was, on motion of Mr. Howe, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Almy,	Mr. Felch,	Mr. McKeen,
Mr. Butler,	Mr. Finch,	Mr. Jos. Smith,
Mr. Ballard,	Mr. Gilbert,	Mr. Shellhouse,
Mr. Cornell,	Mr. Herrington,	Mr. Thayer,
Mr. Colbath,	Mr. King,	Mr. Wing,
Mr. Eldred,	Mr. Lee,	Mr. Ward,
Mr. Ely,	Mr. Levake,	

20

## NAYS.

Mr. Alden,	Mr. Howe,	Mr. Monfore,
Mr. Bingham,	Mr. Heath,	Mr. McGaffey,
Mr. Cressey,	Mr. Kellogg,	Mr. Purdy,
Mr. Ferrington,	Mr. Martin,	Mr. Shattuck,
Mr. Foote,		

13

On motion of Mr. Ely, said bill was laid upon the table, and made the special order of the day for Wednesday next.

On motion of Mr. Ward, the sixteenth rule was suspended, and he offered the following :

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Treasurer and Auditor General be,*

and they are hereby, instructed to make out an abstract of the amount of money advanced by the state of Michigan, for the purpose of defraying the expenses incurred by the territory of Michigan, in maintaining the supremacy of the law, and that the said account be transmitted to our senators and representative in Congress, with instructions to demand the payment of the same of the general government.

The above resolution having been read the first and second time, on motion, the twenty-second rule was suspended, and said resolution was read the third time and passed.

On motion of Mr. Finch, the joint resolution from the Senate relative to the library, was taken up, read the third time and concurred in.

Mr. Wisner moved to take up the bill on the table, relative to the seat of justice of Branch county ; which motion was negatived.

On motion of Mr. Lee, the report of the committee on claims, to which was recommitted " A bill for the relief of Samuel A. Bartlett and others," laid on the table on the third instant, was taken up. The question being upon accepting the report, it was agreed to.

Said bill was, on motion, then ordered to be engrossed and read a third time to-day.

The engrossed bill, " A bill for the relief of Samuel A. Bartlett and others," was taken up, read the third time and passed.

On motion of Mr. Jos. Smith, the bill from the Senate, " A bill to organize the counties of Ionia and Van Buren," was taken up, read the first and second time and committed to the committee on the organization of towns and counties.

The following message was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill and resolution, which have passed the Senate, entitled " A bill to furnish each organized county with a complete set of weights and measures," and " A resolution relative to a light-house at the mouth of the Detroit river," in which bill and resolution the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Thayer, the House adjourned until 10 o'clock A. M. on Monday next.

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*Monday, February 13.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Burbank, Butler, Calkin, Convis, Gilbert, Howe, Haskins, Lothrop, Martin, Phillips, Job Smith, Ward and Yerkes.

The Chair presented the following statement and communication from the cashier of the bank of Washtenaw:

*(See Document No. 13.)*

The communication having been read, it was, with the statement accompanying the same, referred to the committee on banks and incorporations.

The following petitions were presented and severally referred:  
By Mr. Bingham, of Livingston,

Of William Noble and others, for the division of a certain town in said county. Referred to the committee on the organization of towns and counties.

By Mr. Monfore, of Macomb,

Of sundry mechanics of St. Clair county, for an act of incorporation. Referred to the committee on banks and incorporations.

Also, of Thomas Palmer and others, for a ferry across the St. Clair river. Referred to the committee on roads and bridges.

By Mr. Almy, of Kent,

Of sundry inhabitants of Ionia, Clinton and Shiawassee counties, for the appointment of commissioners to lay out a state road from Pontiac to Lyons. Referred to the committee on roads and bridges.

Also, presented the proceedings of a meeting of the inhabitants of said Lyons relative to said state road, which was read and referred as above.

Mr. Wisner announced the arrival of Mr. Mosely, a representative from the district of Saginaw, Genesee and Shiawassee, and moved the appointment of a select committee of three to examine his credentials; which motion was agreed to.

The Chair announced the following members as said committee: Messrs. Wisner, Felch and Jos. Smith.

On motion of Mr. Ward, the resolution heretofore laid on the table by Mr. Convis, in the following words, was taken up for consideration:

*Resolved*, If the Senate concur, the legislature adjourn the fourth day of March next.

The resolution having been read, Mr. Ward moved to amend the same by striking out the word "fourth" and insert "tenth."

Mr. Purdy moved to amend the amendment by inserting "twentieth;" which was negatived.

The question recurring upon the motion of Mr. Ward, it was decided in the affirmative. Said resolution, as amended, was adopted.

Mr. McGaffey offered the following:

*Resolved*, That hereafter this House meet at nine o'clock in the morning, unless otherwise ordered.

On motion of Mr. Ward, the question upon the adoption of the above resolution was decided by yeas and nays in the affirmative, as follows:

#### YEAS.

Mr. Bingham,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ferrington,  
Mr. Farrington,

Mr. Finch,  
Mr. Foote,  
Mr. Herrington,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Levake,  
Mr. Monfore,

Mr. McGaffey,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Ward,

25

#### NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Ely,  
Mr. Felch,

Mr. Howe,  
Mr. Heath,  
Mr. King,  
Mr. Munger,  
Mr. Martin,

Mr. McKeen,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Speaker,

14

The bill, "A bill to incorporate the village of Coldwater, in the county of Branch," with sundry amendments made thereto by the Senate, was taken up and the amendments concurred in.

The bill from the Senate, "A bill to authorize Nathaniel Odell

to convey certain lands," was taken up, read the first and second time and committed to the committee on the judiciary.

The bill from the Senate, "A bill to amend an act fixing the rate of toll for grinding," approved April 12th, 1827, was taken up, read twice, and committed to the committee on the judiciary.

The joint resolution from the Senate relative to a light-house at or near the mouth of the Detroit river, was taken up and concurred in.

The bill from the Senate, "A bill to furnish each organized county with a complete set of weights and measures," was taken up, read the first and second time and committed to the committee of ways and means.

On motion of Mr. Ely, the House resolved itself into a committee of the whole, Mr. Cressey in the chair, on "A bill authorizing the building of certain dams therein named," and after spending some time therein, the committee rose and through their chairman reported the same to the House, with sundry amendments. On motion of Mr. Alden, said bill and amendments were laid on the table.

The following message was received from the Executive through his private secretary, Mr. Jackson :

*To the Senate and House of Representatives :*

I have this day deposited in the Michigan state bank, to the credit of the state, one hundred and three thousand dollars, received on a warrant drawn in my favor by the Secretary of the Treasury of the United States.

STEVENS T. MASON.

*February 13, 1837.*

The "bill to provide for taking the census," with the amendments reported by the committee on the judiciary, as a substitute for said bill, heretofore laid on the table, was, on motion of Mr. Kingsley, taken up for consideration and the amendments concurred in. Said bill was, on motion, ordered to be engrossed and read a third time to-morrow.

The following message from the Senate was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I hereby transmit to the House of Representatives "A joint resolu-

tion instructing our senators and representative in Congress, relative to certain matters therein named," with an amendment, in which the concurrence of the House of Representatives is respectfully requested. I also herewith return without amendment, the bill entitled "A bill to provide for a geological survey of the state."

The bill amendatory to an act entitled "An act to provide for the assessment and collection of township and county taxes," with the amendments, reported by the committee on the judiciary, as a substitute for said bill, laid on the table on the 3d instant, was, on motion of Mr. Kingsley, taken up for consideration.

The question being upon concurring in the amendments made by the committee on the judiciary, Mr. Felch moved further to amend by striking out all after the enacting clause of said bill, and insert the following :

Sec. 1. That in all assessments for taxation of land actually used and occupied for farming purposes, all improvements of less value than five hundred dollars, and buildings erected thereon under the value of two hundred and fifty dollars, shall be exempt from the assessment list and from taxation."

Sec. 2. No lands shall be assessed at a less sum than three dollars per acre ; which motion was agreed to.

On motion of Mr. Ward, the following section was added, to stand as the third section.

Sec. 3. In assessing personal property, the assessor shall ascertain the amount of personal property in possession of the individual, including the debts due him, deducting from the whole amount the debts owing by him.

Mr. Bingham moved to strike out all of said bill after the enacting clause, and on his motion the question was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Bingham,  
Mr. Finch,

Mr. Thayer,

Mr. Wisner,

4

NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Ballard,

Mr. Felch,  
Mr. Foote,  
Mr. Herrington,  
Mr. Howe,

Mr. McGaffey,  
Mr. McKee,  
Mr. Purdy,  
Mr. Ralph,

Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kingsley,	Mr. Jos. Smith,	
Mr. Cornell,	Mr. Lee,	Mr. Shellhouse,	
Mr. Colbath,	Mr. Munger,	Mr. Wing,	
Mr. Eldred,	Mr. Martin,	Mr. Ward,	
Mr. Ferrington,	Mr. Monfore,	Mr. Speaker,	30

On motion of Mr. Cressey, said bill was then ordered to be engrossed and read a third time on Wednesday next.

Mr. Ballard asked and obtained leave of absence for Mr. Butler, until Thursday next.

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Wisner, from the select committee appointed this morning, to examine the credentials of William F. Mosely, who claims a seat in this House, as the representative from the district composed of the counties of Saginaw, Genesee and Shiawassee, reported that they have examined the said credentials, and that the said Mosely is entitled to a seat in this House as a representative from said district, which report was accepted.

Mr. Mosely having been duly qualified, took his seat.

Mr. Felch, from the committee on enrolment, on leave granted, reported as correctly enrolled "A bill appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons at the mouth of the Maple, in the county of Ionia."

The engrossed bill, "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," was taken up, read the third time and passed.

On motion of Mr. McGaffey, the House resolved itself into a committee of the whole, Mr. Shattuck in the chair, on the bill, "A bill to provide for the election of state officers," and after spending some time therein, the committee rose and through their chairman reported the same to the House with sundry amendments, which were concurred in; said bill and amendments were, on motion, laid upon the table.

On motion of Mr. Finch, the House resolved itself into a committee of the whole, Mr. Wing in the chair, upon the bill, "A bill to



provide for recording patents for land and for other purposes," and after spending some time therein, the committee rose and through their chairman reported the same to the House with an amendment, which was concurred in ; on motion, said bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Wisner, the House resumed in committee of the whole, Mr. Wing in the chair, the consideration of " A bill to incorporate the Pontiac and Huron canal company," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in. On motion, said bill was laid on the table.

On motion of Mr. McGaffey, the House resolved itself into a committee of the whole, Mr. Almy in the chair, upon " A bill to authorize the draining of certain lands," and after spending some time therein, the committee rose and reported the same to the House. On motion of Mr. Bingham, said bill was referred to the committee on the judiciary.

On motion of Mr. Alden, the " bill authorizing the building of certain dams therein named," was taken up and ordered to be engrossed for a third reading.

On motion of Mr. Almy, the House resolved itself into a committee of the whole, Mr. Alden in the chair, upon " A bill to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse point road on Lake St. Clair,'" and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in. Said bill was, on motion, ordered to be engrossed for a third reading.

On motion, the House adjourned until 10 o'clock to-morrow morning.

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*Tuesday, February 14.*

The roll being called, the following members were absent: Messrs. Ely, King, McKeen, and Job Smith.

The following petitions and remonstrances were presented and severally referred:

By Mr. Finch, of Lenawee,

A petition of sundry inhabitants of Calhoun county, for the laying out a state road from Tekonsha to Adrian. Referred to the committee on roads and bridges.

Also, a petition of sundry inhabitants of Calhoun county, praying for a charter for a railroad from the village of Battle Creek to Adrian. Referred to the committee on internal improvement,

By Mr. Bingham, of Livingston,

A remonstrance from certain inhabitants of said county, against the division of a certain town. Referred to the committee on towns and counties.

By Mr. Burbank, of Oakland,

Of sundry citizens of the counties of Clinton, Eaton and Ingham, praying to be associated for county purposes. Referred to the committee on the organization of towns and counties.

Mr. Wing, from the committee on the militia, reported a bill, "An act to amend an act entitled 'An act to organize the militia,' approved April 23, 1833"; which was read the first and second time and laid on the table.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate, "A bill to amend an act entitled 'An act fixing the rate of toll for grinding,'" reported the same without amendment.

Mr. Levake, from the committee on so much of the Governor's message as relates to the ship canal around the Falls of St. Marie, made the following report, accompanied with "A bill authorizing the construction of a ship canal around the Falls of St. Marie."

#### REPORT:

The committee, after having given to this subject, in some measure, the consideration due to its importance, have unanimously come to the conclusion, that the contemplated or proposed improvement at the Falls of St. Marie is, and ought to be, the object of state attention; and would therefore recommend the same to the immediate attention of the legislature.

The great commercial and public benefit proposed to be sought by the construction of this work, would at the first glance, seem to indicate the same to be of a national character, and as such, would in the opinion of your committee, sooner or later, recommend it-

self to the favorable notice of the general government. But this committee being deeply impressed with the importance of the state occupying, and securing to herself, the benefit and the honor of having constructed this work now under consideration, feel in duty bound to recommend it to this honorable body, as a part and parcel of that system of internal improvement, which they trust will soon be commenced, and prosecuted with zeal and energy.

Experience teaches us that the enterprize of man is constantly and steadily directing itself to the full occupation of every theatre on which skill, industry and enterprize can be employed ; and this point is one where some scope can be given to the spirit of improvement, with the greatest prospect of success, both as to the benefit conferred on the commercial part of community, and the revenue which may accrue to the state.

It is now admitted that the country bordering on the vast inland sea, above the Falls of St. Marie, abounds in mineral wealth. Other important disposable productions, and sources of wealth, will in all probability be developed as soon as Lake Superior shall be accessible to the navigation which will seek this region for employment and profit. The only barrier to this exists at the Falls of St. Marie, and the state is now called upon to secure to herself the honor and the profit of having removed this obstruction.

The committee do not deem it necessary at this time to go into detail, and enumerate every advantage which is to accrue to the state and public from the construction of the proposed work. There are, however, some striking features in the project, and they would barely allude to them, for the purpose of showing the considerations which have influenced them in their report.

Those who are familiar with the use of water power, and know its value, under certain circumstances and in certain situations, will at once perceive the source from which the state may derive a revenue. The creation of a vast water power, will be the natural consequence of constructing a ship canal around the Falls of St. Marie ; and the committee will here hazard the opinion, that if the work should be prosecuted and constructed on a scale due to its importance, the value of the power thus created, will more than pay the cost of construction.

Again, if the State should remove this obstacle in the way of

commercial enterprize, it is concluded that the business growing out of all the natural resources of the upper country, will open a new field for the industry and enterprize of our citizens. The great use which will be made of the proposed improvement, for the purpose of passing vessels into Lake Superior, will, even though a moderate rate of toll be assessed, abundantly pay all expenses of superintendence and leave a balance for the fund of internal improvement.

Your committee would respectfully recommend that Congress be petitioned to grant to this state the land which may be contiguous to, and embracing the probable route of said canal, or as much land as they shall deem sufficient for the purpose of defraying expenses of construction.

Further, that his excellency the Governor be authorized to appoint a competent and practical engineer, who shall as soon as may be deemed expedient, proceed to the Falls of St. Marie, and make such surveys and examinations as he shall deem necessary for the purpose of constructing said ship canal; and who shall report thereon to the next legislature, accompanied with maps, plans and profiles, and an estimate of the expense of constructing said canal.

The report having been read, was laid on the table; said bill was read the first and second time and laid on the table.

The engrossed bill, "A bill to provide for recording patents for land and for other purposes," was taken up, read the third time and passed.

The engrossed bill, "A bill to organize and regulate banking associations," was taken up and read the third time; the question being upon its final passage, Mr. Levake moved to recommit said bill to the committee on banks and incorporations, with instructions to report the same to the House with the following, to stand as a proviso to the tenth section, "Provided, That so much of the tenth section as requires that one-third of the capital stock shall be owned in the county where such association shall transact business, shall not apply to the county of Chippewa," which motion was negatived. On motion of Mr. Levake, the unanimous consent of the House being obtained, said bill was amended by inserting the above as the proviso to the tenth section.

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Mr. Mosely moved to suspend the further consideration of the bill until to-morrow, which was negatived. The question upon the final passage of said bill was then decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Martin,
Mr. Brown,	Mr. Finch,	Mr. McGaffey,
Mr. Bingham,	Mr. Foote,	Mr. McKeen,
Mr. Burbank,	Mr. Gilbert,	Mr. Phillips,
Mr. Ballard,	Mr. Herrington,	Mr. Ralph,
Mr. Burke,	Mr. Howe,	Mr. Shattuck,
Mr. Cressey,	Mr. Haskins,	Mr. Jos. Smith,
Mr. Calkin,	Mr. Heath,	Mr. Shellhouse,
Mr. Cornell,	Mr. Kellogg,	Mr. Thayer,
Mr. Colbath,	Mr. Kingsley,	Mr. Wing,
Mr. Eldred,	Mr. Lee,	Mr. Wisner,
Mr. Ely,	Mr. Lothrop,	Mr. Ward,
Mr. Ferrington,	Mr. Levake,	Mr. Yerkes,

39

## NAYS.

Mr. Almy,	Mr. Monfore,	Mr. Purdy,
Mr. Felch,		

4

The engrossed bill, "A bill to extend Fort street in the city of Detroit until it intersects the road leading from the Detroit river to Dearbornville," was taken up, read the third time and passed.

On motion of Mr. McGaffey,

The House resolved itself into a committee of the whole, Mr. McKeen in the chair, upon the bill "A bill to incorporate the village of Coldwater," and after spending some time therein, the committee rose and through their chairman reported the same to the House with sundry amendments, which were concurred in. On motion of Mr. Finch, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Burbank,

The bills, "A bill to incorporate the Bloomfield road company," and "A bill to incorporate the Detroit and Pontiac turnpike company," were committed to the committee on internal improvement.

On motion, the House adjourned.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

The joint resolution instructing our senators and representative in Congress relative to the expenses incurred by the territory of Michigan, in maintaining the supremacy of the laws, with the amendments made thereto by the Senate, was taken up, and on motion, the amendments were concurred in.

The joint resolution requiring the several banks in this state to furnish the Governor and legislature with a statement concerning said banks, with the amendment made thereto by the Senate, was taken up and the amendment concurred in; said resolution as amended was then passed.

The bill from the Senate, heretofore referred to the committee on the judiciary, and reported by said committee without amendment, "A bill to amend an act entitled 'An act to fix the rates of toll for grinding,' approved April 12th, 1827," was taken up, read the third time and passed.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Ward in the chair, upon "A bill to incorporate the Michigan mutual fire insurance company," and after spending some time therein, the committee rose, and through their chairman reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Lothrop, said bill was laid on the table.

The engrossed bill, "A bill authorizing the building certain dams therein named," was taken up, read the third time and passed.

On motion of Mr. Kingsley,

The House resumed, in committee of the whole, Mr. Ward in the chair, the consideration of the bill, "A bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes;" and after spending some time therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Bingham asked and obtained leave of absence for Mr. Kellogg.

The Speaker being absent this morning, when the vote was ta-

ken on the passage of the bill regulating banking associations, obtained leave to record his vote in the negative.

On motion, the House adjourned until 10 o'clock, A. M. tomorrow.

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*Wednesday, February 15.*

The House met pursuant to adjournment.

The roll being called, the following members were absent, Messrs. Ely, Munger, Kellogg and Levake.

Mr. Colbath asked and obtained leave of absence for Mr. Munger.

The following petitions were presented and severally referred:

By Mr. Mosely of Saginaw,

Of Hiram Benjamin and others, of Genesee county, for the organization of a certain town in said county. Referred to the committee on the organization of towns and counties.

By Mr. Finch, of Lenawee,

Of sundry inhabitants of Michigan, for an act to incorporate a college. Referred to the committee on education.

By Mr. Ely, of Allegan,

Of Isaac Otis and others, for a state road from Marshall in Calhoun county, to Allegan in Allegan county. Referred to the committee on roads and bridges.

By Mr. Howe, of Washtenaw,

Of J. M. Mead and others, for the repeal of a law regulating the practice of medicine. Referred to the committee on the judiciary.

Mr. Alden, from the committee on education, reported "A bill to provide for the organization and government of the university of Michigan," which was read the first and second time, and laid on the table.

Mr. Ely, from the committee on internal improvement, to whom had been referred sundry petitions praying for a charter for a railroad from Gibraltar to Clinton, with banking privileges, asked that the committee be discharged from the further consideration of that part of the petitions relating to banking privileges, and that it be referred to the committee on banks and incorporations.

On motion, said committee were discharged from that part of the petitions relating to banking privileges. Referred to the committee on banks and incorporations.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill to legalize the proceedings of, and to incorporate the Dundee hydraulic company, reported the same to the House without amendment. Said bill was laid upon the table.

Mr. Wisner offered the following resolution, and moved its adoption:

*Resolved*, That the various committees to whom have been referred petitions and applications for bank charters, be instructed to report adverse to such petitions and applications.

Mr. Ward moved the above resolution lay on the table, which was negatived.

Mr. Felch moved the indefinite postponement of the resolution.

On motion of Mr. Wisner, the question was decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Alden,	Mr. Finch,	Mr. Mosely,
Mr. Almy,	Mr. Herrington,	Mr. Purdy,
Mr. Brown,	Mr. Howe,	Mr. Shattuck,
Mr. Ballard,	Mr. Kingsley,	Mr. Thayer,
Mr. Eldred,	Mr. Lee,	Mr. Wing,
Mr. Ely,	Mr. Martin,	Mr. Ward,
Mr. Felch,	Mr. McGaffey,	Mr. Speaker,
Mr. Farrington,		

22

#### NAYS.

Mr. Bingham,	Mr. Foote,	Mr. McKeen,
Mr. Burbank,	Mr. Gilbert,	Mr. Phillips,
Mr. Burke,	Mr. Haskins,	Mr. Ralph,
Mr. Cressey,	Mr. Heath,	Mr. Jos. Smith,
Mr. Cornell,	Mr. King,	Mr. Shellhouse,
Mr. Colbath,	Mr. Lothrop,	Mr. Wisner,
Mr. Ferrington,	Mr. Monfore,	Mr. Yerkes,

21

The following message from the Executive was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, "A joint resolution relative to the state library."

STEVENS T. MASON.

*February 15, 1837.*



The engrossed bill, "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" was taken up and read the third time.

The question being on the final passage of said bill, on motion of Mr. Cornell, said bill was committed to a select committee of three members, with instructions to report the same to the House with the following amendment, as an addition to the third section, "And it shall be competent, and the assessors are hereby authorized, to administer an oath to any person touching the amount of property he possesses, the debts due to and from him, and require him to make a full statement of the same whenever they shall deem it necessary." The Chair announced the following as said committee: Messrs. Cornell, Haskins and Ralph.

The special order of the day, the consideration of "A bill to regulate the interest of money," was taken up.

Mr. Felch moved to postpone the consideration of the bill, until Friday next.

Mr. Lothrop moved to amend said motion, by postponing the same until the first day of April, which motion was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Bingham,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,

Mr. Ferrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kingsley,  
Mr. Lothrop,

Mr. Martin,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Shattuck,  
Mr. Yerkes,

16

## NAYS.

Mr. Brown,  
Mr. Burbank,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,  
Mr. Felch,  
Mr. Farrington,

Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. King,  
Mr. Lee,  
Mr. Monfore,  
Mr. McGaffey,  
Mr. Mosely,

Mr. Ralph,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Speaker,

26

The question recurring upon the motion of Mr. Felch, to postpone until Friday next, it was decided in the affirmative.

Mr. Wisner, from the committee on printing, to which was committed the resolution from the Senate, "A resolution directing

the publication of the laws," reported the same to the House with an amendment, as a substitute. Said bill and amendment were laid upon the table, and the amendment ordered to be printed.

On motion of Mr. Lothrop, the bill yesterday laid upon the table, "A bill to incorporate the Michigan mutual fire insurance company," was taken up for consideration. Mr. Lothrop moved to insert the following to stand as the seventeenth section, which was agreed to.

Sec. 17. It shall and may be lawful for said association to receive all the books, papers and policies of the "Kalamazoo mutual fire insurance company," and assume all risks and responsibilities which have been assumed by said company: *Provided*, The said Kalamazoo fire insurance company shall give notice to this association of their intention to surrender up their books, papers and policies, within one year from the passage of this act.

Said bill was then ordered to be engrossed for a third reading.

On motion of Mr. Alden,

The bill, "A bill to vacate the seat of justice of Branch county, and to establish the same at Coldwater," was taken up for consideration. The question being upon the engrossment and third reading of the bill, Mr. Alden moved a substitute for said bill.

The Speaker moved to amend said motion, by referring that bill and substitute, and all papers relating to the subject, to the committee on the judiciary, with instructions to report a bill referring the whole matter to the people of Branch county, which motion was agreed to.

On motion of Mr. Felch,

The House resumed, in committee of the whole, Mr. Ward in the chair, the consideration of the bill to authorize the people of this state to extinguish, by purchase, the charter of the "Detroit and St. Joseph railroad company, and for other purposes;" after spending some time therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The following message from the Senate was received through their secretary.

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return "A resolution relative to the adjournment of the

legislature, with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Alden,

The bill, "A bill for the organization of primary schools," was committed to a committee of the whole House and made the special order of the day for Friday next.

On motion of Mr. Felch,

The House resumed, in committee of the whole, Mr. Ward in the chair, the consideration of the "bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Felch, said bill was made the special order of the day for to-morrow.

Mr. Herrington moved that the vote taken yesterday on the final passage of the "bill regulating banking associations," be reconsidered, which motion was laid on the table.

Mr. Ward moved that the vote taken on the final passage of the "bill to amend an act extending Jefferson avenue to the intersection of the present Grosse point road, on Lake St. Clair," be reconsidered. Said motion was laid on the table.

On motion, the House adjourned until 10 o'clock, A. M., to-morrow.

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*Thursday, February 16.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Kellogg and Levake.

The Chair presented the following communication from the Bank Commissioner:

(See Document No. 14.)

The communication having been read, it was, on motion, laid upon the table.

The Chair also presented the following communication from the Auditor General :

*To the Hon. the Speaker of the House of Representatives :*

The undersigned begs leave, in behalf of the commissioners on the militia claims, to submit to your honorable body an account for travelling expenses incurred in receiving and auditing claims growing out of the Toledo expedition, for allowance.

Very respectfully,

Your obedient servant,

In behalf of the comm'rs,

ROBERT ABBOTT.

*Detroit, Feb. 15th, 1837.*

The communication having been read, it was, with the account referred to, on motion, referred to the committee on claims.

The following petitions were presented and severally referred :

By the Chair,

Of sundry citizens of the city of Detroit, praying the legislature to provide by law for the appointment of an inspector of lumber in said city. Referred to the committee on the judiciary.

By Mr. Purdy, of Washtenaw,

Of sundry citizens of Shiawassee county, for a state road from Byron in said county, to Lyons in Ionia county. Referred to the committee on roads and bridges.

Also, of sundry inhabitants of said Shiawassee, for the organization of the town of Byron in said county. Referred to the committee on the organization of towns and counties.

By Mr. Heath, of St. Clair,

Of sundry inhabitants of said county, for the improvement of the navigation of Black river. Referred to the committee on internal improvement.

Mr. Ely, from the committee on internal improvement, to which was referred the bills, "A bill to incorporate the Detroit and Pontiac turnpike company," and "A bill to incorporate the Bloomfield road company," reported the first named bill to the House without amendment, which was, on motion of Mr. Ely, laid on the table ; and reported the second named bill to the

House, with a recommendation that it do not pass, which was laid on the table. Also, from the same committee, reported "A bill to incorporate the Gibraltar and Clinton railroad company," which was read the first and second time and laid on the table.

Mr. Cressey, from the committee on the organization of towns and counties, to which was committed the bill from the Senate, "A bill to organize the counties of Ionia and Van Buren," reported the same to the House without amendment.

Mr. Lee, from the committee on claims, to which was referred the petition of John Goodrich, reported "A bill for the relief of John Goodrich," which was read the first and second time and laid on the table.

Mr. Cornell, from the select committee to which was yesterday referred "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" with certain instructions, reported the same to the House in conformity to such instructions. Said bill was then laid on the table.

Mr. Monfore gave notice that he should ask leave, on a future day, to introduce a bill to incorporate the village of Mt. Clemens, in the county of Macomb.

The "bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," coming under the special order of the day, was taken up, and on motion of Mr. Felch, the House resumed, in committee of the whole, Mr. Ward in the chair, the consideration of said bill, and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The following message from the Executive was received through his private secretary, Mr. Jackson :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, "An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia," and

“An act to amend ‘An act fixing the rate of toll for grinding,’ approved April 12th, 1827.”

STEVENS T. MASON.

*February 16, 1837.*

The following message from the Senate was received through their secretary :

Mr. SPEAKER—The Senate have passed, without amendment, the bill from the House of Representatives, entitled “A bill to provide for recording patents for land, and for other purposes,” which is herewith returned.

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Ward called up the resolution relative to the adjournment of the legislature, with the amendment made thereto by the Senate.

On motion of Mr. McKeen, said resolution was laid on the table.

Mr. Finch, the unanimous consent of the House being obtained, offered the following resolution, which was, on motion of Mr. Ward, laid upon the table :

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of loaning the surplus dividend to the several railroad corporations within this state, an amount not to exceed \$100,000 to each corporation, to be graduated according to the relative importance of their respective routes, and the amount already expended, and report by bill or otherwise.

Mr. Mosely gave notice that he should, on some future day, ask leave to introduce a bill to incorporate the Saginaw and Genesee railroad company.

On motion of Mr. McKeen,

The House resumed, in committee of the whole, Mr. Ward in the chair, the consideration of the “bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes,” and after spending some time therein, the committee rose, and through their chairman, reported the same to the House with sundry amendments.

Mr. Bingham moved to commit said bill and amendments to the committee on internal improvement, which was negatived.

On motion of Mr. Cornell, said bill and amendments were committed to a select committee of nine members, consisting of Messrs. Ely, Calkin, Wing, Brown, McKeen, Eldred, Mosely, Alden and Burbank.

On motion, the House adjourned until 10 o'clock, A. M. tomorrow.

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*Friday, February 17.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Gilbert, Kellogg, King, Martin and Ward.

The following petition was presented and referred:

By Mr. Butler, of Lenawee,

Of George W. Fisk, jr. (by George W. Fisk, his guardian,) for relief in relation to a will made for his benefit by Joseph Salato. Referred to the committee on the judiciary.

Mr. Almy, from the committee on roads and bridges, to which was referred the petition of Thomas Palmer and others, reported "A bill granting to Thomas Palmer, James McClanan and Daniel Lockwood, the right to keep and maintain a ferry across the St. Clair river at the village of Palmer," which was read the first and second time and laid upon the table.

Mr. Alden, from the committee on education, reported a bill, "An act to amend an 'Act entitled an act to incorporate the Michigan and Haron institute,'" which was read the first and second time and laid upon the table.

Also, from the same committee, reported a bill, "An act to incorporate Michigan college," which was read twice and laid upon the table.

The bill, "A bill to provide for the organization and support of primary schools," coming under the special order of the day for to-day was taken up, and on motion of Mr. Lothrop, the House resolved itself into a committee of the whole, Mr. Lothrop in the chair, upon said bill, and after spending some time therein, the

committee rose, and through their chairman reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Purdy, said bill and amendments were laid on the table.

The following message from the Senate was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit to the House of Representatives a bill and resolution which have passed the Senate, entitled "A bill to lay out a state road from Ypsilanti to Ridgeway," and a resolution for a joint committee on the subject of the state penitentiary, in which the concurrence of the House of Representatives is respectfully requested.

Mr. Job Smith asked and obtained leave of absence for Mr. Martin.

Mr. Ely, from the select committee to which was committed the "bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," with sundry amendments, reported the same to the House with sundry amendments, which were read, laid on the table and ordered to be printed.

On motion of Mr. Lothrop, the House adjourned until ten o'clock to-morrow morning.

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*Saturday, February 18.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Alden, Almy, Ely, Ferrington, Finch, Foote, Kellogg, Kingsley, King, Mosely, Purdy, Wisner and Ward.

The following petitions were presented and severally referred :

By Mr. Shattuck, of Washtenaw,

Of sundry inhabitants of the town of Augusta, praying that the time for holding their annual town meeting be changed. Referred to the committee on towns and counties.

By Mr. Howe, of Washtenaw,

Of sundry citizens of the state, praying for the repeal of the law



regulating the practice of medicine. Referred to the committee on the judiciary.

By Mr. Gilbert, of Macomb,

Of Addison Chamberlin and others, of town five north, of range eleven east. Referred to the committee on the organization of towns and counties.

By Mr. Heath, of St. Clair,

A remonstrance of sundry citizens of China, in said county, against the organization of a certain town in said county. Referred to the committee on the organization of towns and counties.

By Mr. Ely, of Allegan,

A petition of B. Hobert and others, for an amendment of the twenty-second section of an act entitled "An act appointing commissioners to lay out and establish certain state roads," approved March 26, 1836. Referred to the committee on roads and bridges.

By Mr. Kingsley, of Washtenaw,

Of sundry citizens of Ann Arbor, for a bank in said village. Referred to the committee on banks and incorporations.

Mr. Ward, from the committee to which was referred that part of the Governor's message that relates to the disposition of the school lands, made the following

#### REPORT:

That after an examination of the subject, they concur, for the most part, in the views presented by the Superintendent, in his able report, submitted to the legislature at the commencement of this session.

The plan therein proposed for the disposition of those lands, appeared to your committee the most feasible mode that can be adopted. It will secure to the people of this state, with the least delay, the enjoyment of the benefits to be derived from the appropriation. No sacrifice need be made by an immediate sale, as such restrictions can be imposed upon it, as will exclude from market those lands that are yet far below their maximum value.

The lands appropriated to the use of primary schools, within the peninsula, amount to more than seven hundred thousand acres, and those designed for the establishment and support of an uni-

versity, exceed fifty thousand acres. The minimum price proposed by the Superintendent to be established in bringing them into market, is five dollars per acre for the former, and fifteen dollars for the latter. This, in the opinion of your committee, is too low an estimate of their value. From personal knowledge, and from the best information they can obtain, your committee do not entertain a doubt, that should these lands be offered for sale at minimum prices of ten dollars for the primary school lands, and twenty dollars for the university lands, there would be no difficulty in effecting sales within a reasonable time, to the amount of *two millions of dollars*; the lands designated for the establishment of the university, are among the most desirable and valuable sections in the state, some of them are indeed of great value, from their location, being situated at points commanding great natural advantage. In order to secure to the state their full value, it is recommended that the lands lying at such points, should be surveyed and laid out into village lots, before they are offered for sale.

In accordance with these views, your committee have drafted, and submit herewith, a bill authorizing the Superintendent of Public Instruction to sell these lands, and to invest the proceeds in the manner pointed out by him in his report. It proposes also, for the employment and compensation of the necessary assistants to carry its provisions into effect.

Should the bill proposed become a law, the increasing duties devolving upon the Superintendent, render it an act of justice that there should be a corresponding increase of salary. It therefore provides, that his salary shall be increased to fifteen hundred dollars per annum, with an allowance of the necessary travelling expenses incurred by him in attending to the duties of his office. When it is considered that the office of Superintendent is second in importance to few, if any, in the state, and that there is none to which more laborious duties or greater responsibilities are attached, the sum of fifteen hundred dollars cannot be deemed any thing more than a just compensation.

From the brief view that has been taken of the situation and value of the public lands, some idea may be formed of the extent of the fund that will accrue from their sale. In a few years, at farthest, it cannot amount to less than five or six millions of dol-

lars. This enormous sum is set apart exclusively for the support of primary and other schools. It is sufficiently ample to secure to the people of Michigan greater literary advantages than have ever before been enjoyed by any people, in any age or country. It will sustain a system of public instruction, which for grandeur and usefulness, will find no parallel in ancient or modern times ; it will extend to the inmates of every dwelling in Michigan, the means of acquiring a good, if not a liberal education. The application of these immense resources to the diffusion of knowledge, by means of libraries, schools and academies, is a matter of momentous concern. The true interests and honor of Michigan are more deeply involved in it, than in the promotion of any scheme of internal improvement, or other enterprize, by which the pecuniary prosperity of the country may be affected.

The intelligence of the people is the sustaining principle of all free governments ; in ours, it constitutes its glory as well as strength. By our constitution, every individual is made an actor in government, and wields an influence that may be felt in all its operations. Questions may arise, in which the voice of a single individual may decide the destinies of the state. In proportion then, to the correct intelligence or ignorance of the people, our political fabric gains strength or becomes weak.

But it will be in vain that these munificent appropriations have been made, unless they lead to the adoption of vigorous and efficient measures. It should be borne in mind that every effort made hereafter in the cause of education, will receive a character from this ; nothing, therefore, should be left undone by the present legislature, to mature or carry into effect a plan of education, on a scale in proportion to the magnitude of the fund. By adopting such a course in the commencement, the most gratifying results will in a few years be exhibited. Michigan, commencing her political career with her present advantages, will soon attain a proud elevation among her sister states, and acquire a character for learning and intelligence that will make her every where known and revered.

The foregoing, together with the bill therein alluded to, is respectfully submitted.

R. E. WARD, *Chairman.*

The report having been read, was on motion laid on the table.

Also reported "A bill to provide for the disposition of the university and primary school lands, and for other purposes," which was read the first and second time and laid on the table.

Mr. McGaffey, from the judiciary committee, to which was committed "A bill to vacate the seat of justice of Branch county, and establishing the same at Coldwater village," with sundry amendments to the same, and sundry documents relating to that subject, reported "A bill to authorize the electors of Branch county to elect a county seat," which was read the first and second time and laid on the table.

Mr. Kingsley, from the same committee, to which was yesterday referred the petition of George W. Fisk, jr., reported "A bill in relation to the last will and testament of Joseph Salato," which was read the first and second time and laid on the table.

Also, from the same committee, to which was referred the petition of J. M. Mead and others, praying to repeal the act relating to the practice of medicine, reported adverse to the prayer of the petitioners. On motion, said report was laid upon the table.

On motion of Mr. Ward,

The resolution relative to the adjournment of the legislature, with the amendment made thereto by the Senate and yesterday laid upon the table, was taken up for consideration.

Mr. McKeen moved to lay said resolution and amendment on the table, and that it be made the special order of the day for Wednesday next. On motion of Mr. Ward, the question was decided by yeas and nays in the affirmative, as follows:

#### YEAS.

Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Ely,  
Mr. Felch,  
Mr. Farrington,

Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Levake,  
Mr. Martin,

Mr. Monfore,  
Mr. McKeen,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Yerkes,

28

#### NAYS.

Mr. Butler,

Mr. Eldred,

Mr. Jos. Smith,

Mr. Ballard,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Burke,	Mr. McGaffey,	Mr. Wing,	
Mr. Cressey,	Mr. Ralph,	Mr. Ward,	12

The joint resolution from the Senate relative to the appointment of a joint committee on the subject of the state penitentiary, was taken up. The resolution having been read, it was, on motion of Mr. Jos. Smith, laid upon the table.

The bill from the Senate, "A bill to lay out a state road from Ypsilanti to Ridgeway," was taken up, read the first and second time, and committed to the committee on roads and bridges.

Mr. Eldred, from the committee on ways and means, to which was referred a petition of Thomas Barber, a settler on seminary lands, the unanimous consent of the House being obtained, moved that the committee be discharged from the consideration of the subject, and that the said petition be referred to the committee on university and school lands, which motion was agreed to.

On motion of Mr. Jos. Smith,

The House resolved itself into a committee of the whole, Mr. Cressey in the chair, upon the bill from the Senate, "A bill to organize the counties of Ionia and Van Buren," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in. On motion of Mr. Jos. Smith, said bill and amendments were laid upon the table.

On motion of Mr. Ely,

The House resolved itself into a committee of the whole, Mr. McGaffey in the chair, upon "A bill authorizing the construction of a ship canal around the Falls of St. Marie," and after some time spent therein, the committee rose and reported the same to the House. On motion of Mr. Ely, said bill was committed to the select committee which reported the same.

The following message was received from the Senate through their secretary :

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit a bill and resolution, which have passed the Senate, entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties;" and "A resolution requiring the Attorney General to reside at the seat of govern-

ment," in which the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Thayer, the House adjourned.

#### AFTERNOON SESSION.

The engrossed bill entitled "A bill to incorporate the village of White Pigeon," coming under the general order of the day, was taken up and read a third time. The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Alden,	Mr. Farrington,	Mr. McGaffey,
Mr. Almy,	Mr. Gilbert,	Mr. McKeen,
Mr. Brown,	Mr. Herrington,	Mr. Mosely,
Mr. Bingham,	Mr. Howe,	Mr. Purdy,
Mr. Butler,	Mr. Haskins,	Mr. Phillips,
Mr. Ballard,	Mr. Heath,	Mr. Job Smith,
Mr. Cressey,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Calkin,	Mr. Lee,	Mr. Shellhouse,
Mr. Cornell,	Mr. Lothrop,	Mr. Wing,
Mr. Colbath,	Mr. Martin,	Mr. Ward,
Mr. Eldred,	Mr. Monfore,	Mr. Yerkes,
Mr. Felch,		

34

#### NAYS.

Mr. Burbank,	Mr. Foote,	Mr. Ralph,
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,
Mr. Ely,	Mr. King,	Mr. Thayer,
Mr. Ferrington,	Mr. Levake,	Mr. Wisner,
Mr. Finch,	Mr. Munger,	Mr. Speaker,

15

On motion of Mr. Felch,

The House resolved itself into a committee of the whole, Mr. Calkin in the chair, on the bill entitled "A bill to legalize the proceedings of and to incorporate the Dundee hydraulic company," and after spending some time therein, the committee rose and reported the same back to the House with sundry amendments, which were concurred in.

On motion, said bill was laid upon the table.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Butler in the chair, on the following bills, a bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep

and maintain a ferry across the St. Clair river ;” “ A bill to provide for the organization and government of the university of Michigan,” and after spending some time therein, the committee rose and reported the first named bill back to the House with an amendment ; also reported the last named bill back to the House, and asked and obtained leave to sit again on said bill. On motion, the bill entitled “ A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river,” was committed to the committee on internal improvement.

On motion, adjourned to Monday, at 10 o'clock, A. M.

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*Monday, February 20.*

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Ballard, Finch, Foote, Gilbert, Monfore, Mosely, Ralph and Wisner.

The following petitions were presented and severally referred :

By Mr. Ward, of Berrien,

Of sundry inhabitants of Niles, praying for an extension of the boundaries of said village. Referred to the committee on the organization of towns and counties.

By Mr. Burbank, of Oakland,

Of sundry citizens of said county, for the organization of a certain town. Referred to the committee on the organization of towns and counties.

Mr. Eldred, from the committee on ways and means, to which was referred the account of the Auditor General of this state, moved that said committee be discharged from the consideration of the subject, and that said account be referred to the committee on claims, which motion was agreed to.

Mr. Cressey, from the committee on the organization of towns and counties, reported “ A bill to organize certain townships,” which was read the first and second time and laid on the table.

On motion of Mr. Farrington,

*Resolved*, That the committee on internal improvement be instructed to inquire into the propriety of altering and amending the act entitled “ An act to incorporate the Monroe and Ann Ar-

bor railroad company," so as to intersect the River Raisin and Grand river railroad, at or near where the said road crosses the Saline river.

The bill, "A bill to provide for the organization and support of primary schools," heretofore laid upon the table, was taken up for consideration. Mr. Alden moved to amend said bill by striking out the words "of March," in the second line of the thirty-seventh section, and insert "Monday of September" in lieu thereof, which was agreed to.

Mr. Haskins moved further to amend said bill by striking out all after the word "district," in the fourth line of the third clause of the sixteenth section, and insert the following in lieu thereof:

"In proportion to the number of days their several scholars have been taught in said school district."

Mr. Calkin moved to amend the amendment by striking out all after the word "kept," in the second line of the seventh clause of the eighth section, which was negatived. Mr. Haskins then withdrew the amendment offered by himself.

Mr. Burbank moved further to amend said bill by striking out the nineteenth section, which was negatived.

Mr. Cornell moved further to amend by inserting the words "ten days," in the fourth line of the twenty-eighth section, before the word "written."

Mr. Kingsley moved to amend said amendment by striking out the twenty-eighth section, which was negatived.

The question recurring upon the amendment offered by Mr. Cornell, it was decided in the affirmative.

Mr. Monfore moved further to amend said bill, by striking out all after the word "them," in the fifth line of the twenty-seventh section, and insert the following in lieu thereof:

"We, the subscribers, inspectors of primary schools in and for the township of \_\_\_\_\_, in the county of \_\_\_\_\_, and state of Michigan, do certify that we have examined \_\_\_\_\_, and do believe that he (or she, as the case may be,) is a person of good moral character; of sufficient learning and ability; and is in all other respects well qualified to teach a primary school.

"Given under our hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_."

On motion of Mr. Calkin, a division of the question was ordered,



and the question being upon striking out, it was decided in the negative.

Mr. Felch moved further to amend said bill by adding to the fourth clause of the fifteenth section the following :

“ And all real estate so sold, shall be liable to be redeemed in the same manner as lands sold for such taxes may by law be redeemed,” which was agreed to.

On motion of Mr. McGaffey, said bill was then ordered to be engrossed for a third reading.

On motion of Mr. Ely,

The House resolved itself into a committee of the whole, Mr. Bingham in the chair, upon the bill, “ A bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes,” and after spending some time therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. Ely, the House adjourned until 2 o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Farrington asked and obtained leave of absence for Mr. Ralph.

Mr. Job Smith asked and obtained leave of absence for Mr. Shattuck, until Thursday next.

Mr. Cornell asked and obtained leave of absence for Mr. Gilbert.

On motion of Mr. Lothrop,

*Resolved*, That the committee on the judiciary be instructed to report a bill regulating limited copartnerships.

Mr. Levake, from the select committee to which was committed “ A bill authorizing the construction of a ship canal around the Falls of St. Marie,” reported the same to the House with an amendment.

On motion, said bill and amendment were laid upon the table.

On motion of Mr. Lothrop,

The House resumed, in committee of the whole, Mr. Bingham in the chair, the consideration of “ A bill to authorize the people

of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Felch, said bill was, with the "bill to authorize the construction of a ship canal around the Falls of St. Marie," made the special order of the day for to-morrow.

On motion, adjourned until to-morrow morning at 10 o'clock.

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*Tuesday, February 21.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Ballard, Calkin, Finch, Foote, Haskins, Kellogg, Lee.

Mr. Colbath asked and obtained leave of absence for Mr. Lee, for this day.

The following petitions were presented and severally referred: By Mr. Butler, of Lenawee,

Of sundry inhabitants of Schoolcraft, in Kalamazoo county, to lay out a state road from said village to the village of Adrian, in Lenawee county. Referred to the committee on roads and bridges.

By Mr. Felch, of Monroe,

A memorial of sundry citizens of said county, praying for the passage of a law prohibiting the importation to this state of ardent spirits, &c. Referred to the committee on ways and means.

Mr. McGaffey, from the select committee to which was referred sundry petitions of sundry merchants of St. Joseph county, praying for an increase of the tax upon pedlars, reported "A bill to repeal certain acts."

Mr. Ely gave notice that he should, at some future day, ask leave to introduce a bill authorizing the board of supervisors of the county of Allegan to borrow a sum of money for the erection of county buildings.

The following bill, "A bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," and "A bill

authorizing the construction of a ship canal around the Falls of St. Marie," coming under the special orders of the day, were taken up, and on motion of Mr. Cressey,

The House resumed, in committee of the whole, Mr. Bingham in the chair, the consideration of said bills, and after spending some time therein, the committee rose, and through their chairman reported the first named bill to the House, with sundry amendments, which were concurred in. Said bill was, on motion of Mr. Lothrop, laid upon the table ; who reported progress upon the second named bill, and asked and obtained leave to sit again. •

The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled " A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," with an amendment, in which the concurrence of the House is respectfully requested.

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The Chair presented the following communication from the Brady Guards :

*To the Hon. CHARLES W. WHIPPLE,*

*Speaker of the House of Representatives :*

Through you, we respectfully request the House of Representatives to be present to-morrow, at 12 M., at the American Hotel, when his Excellency Governor Mason will present a standard to the Brady Guards.

We are your obedient servants,

MARSHAL J. BACON,  
ANDREW T. McREYNOLDS,  
HENRY G. HUBBARD,

*Com. Brady Guards.*

*Detroit, 21st Feb., 1837.*

On motion of Mr. Alden, the above communication was re-

ferred to a select committee of three members, consisting of Messrs. Alden, Ward and Lothrop.

On motion of Mr. Jos. Smith,

The House resumed, in committee of the whole, Mr. Bingham in the chair, the consideration of the "bill authorizing the construction of a ship canal around the Falls of St. Marie," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in. On motion of Mr. Ward, said bill was ordered to be engrossed for a third reading.

Mr. Alden, from the select committee to which was referred the communication from the Brady Guards, made the following

#### REPORT:

The select committee to whom was referred a communication from Marshal J. Bacon, Andrew T. McReynolds and Henry G. Hubbard, committee of the Brady Guards, have had the same under consideration, and beg leave to offer the following resolution:

*Resolved* That this House duly appreciate the motives of the highly respectable company known by the name of the Brady Guards, in giving the invitation expressed in the communication of their committee, and that this House will meet them in a body as requested, at 12 M. at the American Hotel.

On motion of Mr. Alden, the report was accepted and the resolution therein adopted.

On motion of Mr. Jos. Smith, the "bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad, and for other purposes," was taken up for consideration.

Mr. Bingham moved to amend said bill by striking out the words "through the valley of the Clinton river," in the fourth and fifth lines of the fifth section, and on motion, the question was decided by yeas and nays in the negative, as follows:

#### YEAS.

Mr. Almy,  
Mr. Bingham,  
Mr. Herrington,  
Mr. Kellogg,

Mr. King,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,

Mr. Purdy,  
Mr. Phillips,  
Mr. Ward,  
Mr. Yerkes,

## NAYS.

Mr. Alden,	Mr. Ferrington,	Mr. McKeen,
Mr. Brown,	Mr. Felch,	Mr. Mosely,
Mr. Burbank,	Mr. Farrington,	Mr. Job Smith,
Mr. Butler,	Mr. Gilbert,	Mr. Shattuck,
Mr. Ballard,	Mr. Howe,	Mr. Jos. Smith,
Mr. Burke,	Mr. Haskins,	Mr. Shellhouse,
Mr. Cressey,	Mr. Heath,	Mr. Thayer,
Mr. Cornell,	Mr. Kingsley,	Mr. Wing,
Mr. Colbath,	Mr. Levake,	Mr. Wisner,
Mr. Eldred,	Mr. Monfore,	Mr. Speaker,
Mr. Ely,	Mr. McGaffey,	32

Mr. Howe moved further to amend said bill by striking out the word "two," in the sixth line of the fourth section, and insert "one."

Mr. Ward moved to amend the amendment, by inserting "one hundred and fifty," and on motion, the question was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Bingham,	Mr. Kellogg,	Mr. Phillips,
Mr. Cressey,	Mr. Munger,	Mr. Job. Smith,
Mr. Howe,	Mr. Purdy,	Mr. Shattuck,

## NAYS.

Mr. Alden,	Mr. Farrington,	Mr. McGaffey,
Mr. Almy,	Mr. Gilbert,	Mr. McKeen,
Mr. Brown,	Mr. Herrington,	Mr. Mosely,
Mr. Burbank,	Mr. Haskins,	Mr. Jos. Smith,
Mr. Butler,	Mr. Heath,	Mr. Shellhouse,
Mr. Ballard,	Mr. Kingsley,	Mr. Thayer,
Mr. Cornell,	Mr. King,	Mr. Wing,
Mr. Colbath,	Mr. Lothrop,	Mr. Wisner,
Mr. Eldred,	Mr. Levake,	Mr. Ward,
Mr. Ely,	Mr. Martin,	Mr. Yerkes,
Mr. Ferrington,	Mr. Monfore,	Mr. Speaker,
Mr. Felch,		34

The question recurring upon Mr. Howe's amendment, it was, on motion, decided by yeas and nays in the negative, as follows ;

## YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Purdy,
Mr. Brown,	Mr. Herrington,	Mr. Job Smith,
Mr. Bingham,	Mr. Munger,	8

## NAYS.

Mr. Almy,	Mr. Howe,	Mr. Mosely,
Mr. Burbank,	Mr. Heath,	Mr. Phillips,
Mr. Butler,	Mr. Kellogg,	Mr. Shattuck,
Mr. Ballard,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Cressey,	Mr. King,	Mr. Shellhouse,
Mr. Cornell,	Mr. Lothrop,	Mr. Thayer,
Mr. Colbath,	Mr. Levake,	Mr. Wing,
Mr. Eldred,	Mr. Martin,	Mr. Wisner,
Mr. Ely,	Mr. Monfore,	Mr. Ward,
Mr. Felch,	Mr. McGaffey,	Mr. Yerkes,
Mr. Farrington,	Mr. McKeen,	Mr. Speaker,
Mr. Gilbert,		

34

Mr. Bingham moved further to amend said bill by striking out the word "two," in the fourth line of the fourth section, and insert "one."

On motion of Mr. Cressey, the previous question was ordered, (the engrossment and third reading of the bill.)

The question being upon the engrossment and third reading of the bill, it was, on motion, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Felch,	Mr. McGaffey,
Mr. Almy,	Mr. Farrington,	Mr. McKeen,
Mr. Brown,	Mr. Gilbert,	Mr. Mosely,
Mr. Burbank,	Mr. Herrington,	Mr. Job Smith,
Mr. Butler,	Mr. Haskins,	Mr. Jos. Smith,
Mr. Ballard,	Mr. Heath,	Mr. Shellhouse,
Mr. Burke,	Mr. Kingsley,	Mr. Thayer,
Mr. Cressey,	Mr. King,	Mr. Wing,
Mr. Cornell,	Mr. Lothrop,	Mr. Wisner,
Mr. Colbath,	Mr. Levake,	Mr. Ward,
Mr. Eldred,	Mr. Munger,	Mr. Yerkes,
Mr. Ely,	Mr. Martin,	Mr. Speaker,
Mr. Ferrington,	Mr. Monfore,	

38

## NAYS.

Mr. Bingham,	Mr. Kellogg,	Mr. Phillips,
Mr. Howe,	Mr. Purdy,	Mr. Shattuck,

6

On motion of Mr. Alden,

The House resumed, in committee of the whole, Mr. Butler in the chair, the consideration of the "bill to provide for the organization and government of the university of Michigan," and

after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again. Said bill was, on motion, made the special order of the day for to-morrow.

The Chair presented a communication from the clerk of the House of Representatives, requesting leave of absence. On motion of Mr. Lothrop, leave of absence was granted.

On motion, the House adjourned.

*Wednesday, February 22.*

The roll being called, the following members were absent: Messrs. Ely, Felch, Lee, Levake, Martin, Ralph, Jos. Smith, Thayer and Wing.

Mr. Kingsley, from the committee on the judiciary, to whom was committed the bill from the Senate entitled "A bill to authorize Nathaniel Odell to convey certain lands," reported the same to the House without amendment.

Also, to whom was committed "A resolution relative to repealing the charters of all the incorporated companies of the State," reported adverse to the provisions of said resolution.

Also, to whom was committed a resolution relative to the protection of fruit and shade trees, reported that they consider it inexpedient to legislate upon the subject at this time.

Mr. McGaffey, from the committee on the judiciary, to whom was committed the bill entitled "A bill to authorize the draining of certain lands," reported the same to the House, with sundry amendments.

The bill entitled "A bill to provide for the organization and government of the university of Michigan," coming under the special order of the day, was taken up, and on motion of Mr. Collath, the House resolved itself into a committee of the whole, Mr. Butler in the chair, on the above named bill, and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The following communication was received from the Senate through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled

"A bill to vacate the present seat of justice of the county of Berrien," with certain amendments, in which the concurrence of the House is respectfully requested.

On motion, adjourned.

#### AFTERNOON SESSION.

On motion of Mr. Alden,

The House resumed the consideration, in committee of the whole, Mr. Butler in the chair, of the bill entitled "A bill to provide for the organization and government of the university of Michigan," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

Said bill was ordered to be engrossed and read a third time tomorrow.

The bill entitled "A bill to vacate the present seat of justice of the county of Berrien," with sundry amendments made thereto by the Senate, was taken up and concurred in.

The bill from the Senate entitled "A bill to provide for the appointment of state printer, and to prescribe his powers and duties," was taken up and read the first and second time, and committed to a select committee of five, consisting of Messrs. Bingham, Lothrop, Ward, Job Smith, Alden.

The bill entitled "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," with an amendment made thereto by the Senate as follows, was taken up:

Section first, lines nine and ten, striking out the words "until it shall intersect the road leading from the Detroit river to Dearbornville," and insert "to the south-east or lower line of the Lafontaine farm so called."

The question being upon concurring in said amendment, it was non-concurred in.

On motion of Mr. Ward, a committee of conference was appointed on the above named bill, consisting of Messrs. Brown, Ward and Herrington.

The joint resolution from the Senate relative to requiring the Attorney General to reside at the seat government, was taken up



and read the first and second time, and committed to the committee on the judiciary.

Also the joint resolution from the Senate for a joint committee on the subject of the state penitentiary, was taken up and read.

Mr. Lothrop moved to amend by striking out the words "as soon as the twenty-fourth instant," and insert the words "at its next session" in lieu thereof, which was agreed to.

The bill entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," with sundry amendments made thereto by the Senate, was taken up, and on motion, a committee of conference was appointed on the above named bill, consisting of Messrs. McKeen, McGaffey and Shattuck.

On motion of Mr. Ely, the bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," was made the special order of the day for to-morrow.

Mr. Mosely asked and obtained leave of absence for Mr. Jos. Smith, for one week.

On motion, adjourned,

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*Thursday, February 23.*

The roll being called, the following members were absent: Messrs. Alden, Almy, Ely, Finch, Lee, Levake, Monfore, Mosely, Ralph, Thayer.

Mr. Cornell presented a petition from sundry inhabitants of the county of Jackson, for the survey and establishment of a state road from Jonesville to Grand river. Referred to the committee on roads and bridges.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the following bills: a bill entitled "An act to provide for a geological survey of the state." "An act to provide for recording patents for lands, and for other purposes."

On motion of Mr. Eldred, the following preamble and resolution were adopted:

Whereas complaints have been made to members of this House, implicating the conduct of an officer of this House; therefore,

*Resolved*, That a committee be appointed to take cognizance

of said complaint, and report to this House whether any abuses have been committed by any officer of this House, affecting the character of this House or its officers.

The Chair announced the following as said committee : Messrs. Eldred, Kingsley, Wing, Brown, Butler.

The following communication was received from the Senate through their secretary :

• Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit to the House of Representatives, a bill which has passed the Senate, entitled “ A bill to alter the terms of the circuit courts in the first circuit,” in which the concurrence of the House is respectfully requested.

The bill entitled “ A bill to incorporate the Detroit and Pontiac turnpike company,” coming under the special order of the day, was taken up, and on motion of Mr. Lothrop, the House resolved itself into a committee of the whole, Mr. Felch in the chair, on the above named bills, and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in. On motion, said bill was laid upon the table.

The following communication was received from the Executive through Mr. Jackson, his private secretary.

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : “ An act to provide for a geological survey of the state,” and “ An act to provide for recording patents for land, and for other purposes.”

STEVENS T. MASON.

*February 23, 1837.*

On motion, adjourned.

#### AFTERNOON SESSION.

The bill entitled “ A bill in relation to the last will and testament of Joseph Salato,” was taken up, and on motion of Mr. Kingsley, the House resolved itself into a committee of the whole, Mr. Lothrop in the chair, on the above named bill, and after spending some time therein, the committee rose and reported the same back to the House with amendments, which were concurred in.

Said bill was ordered to be engrossed and read a third time.

The engrossed bill entitled "A bill authorizing the construction of a ship canal around the Falls of St. Marie," was taken up and read a third time; the question being upon its final passage, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Finch,	Mr. Munger,
Mr. Brown,	Mr. Foote,	Mr. Martin,
Mr. Burbank,	Mr. Gilbert,	Mr. McGaffey,
Mr. Butler,	Mr. Herrington,	Mr. McKeen,
Mr. Ballard,	Mr. Howe,	Mr. Mosely,
Mr. Burke,	Mr. Heath,	Mr. Job Smith,
Mr. Cornell,	Mr. Kellogg,	Mr. Shattuck,
Mr. Colbath,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Eldred,	Mr. King,	Mr. Wing,
Mr. Ely,	Mr. Lothrop,	Mr. Wisner,
Mr. Felch,	Mr. Levake,	Mr. Speaker,
Mr. Farrington,		

34

## NAYS.

Mr. Bingham,	Mr. Haskins,	Mr. Phillips,
Mr. Cressey,	Mr. Purdy,	Mr. Yerkes,
Mr. Ferrington,		

7

On motion of Mr. Burbank, the bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," was taken up and committed to a select committee of three, consisting of Messrs. Burbank, Mosely, Felch.

The engrossed bill entitled "A bill to authorize the people of this state to extinguish, by purchase, the charter of the Detroit and St. Joseph railroad company, and for other purposes," was taken up and read a third time.

The question being upon its final passage, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Levake,
Mr. Almy,	Mr. Finch,	Mr. Munger,
Mr. Brown,	Mr. Foote,	Mr. Martin,
Mr. Burbank,	Mr. Gilbert,	Mr. McGaffey,
Mr. Butler,	Mr. Herrington,	Mr. McKeen,
Mr. Ballard,	Mr. Haskins,	Mr. Mosely,
Mr. Burke,	Mr. Heath,	Mr. Job Smith,

Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,  
Mr. Felch,

Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lothrop,

Mr. Shellhouse,  
Mr. Wing,  
Mr. Wisner,  
Mr. Speaker,

34

## NAYS.

Mr. Bingham,  
Mr. Cressey,  
Mr. Ferrington,

Mr. Howe,  
Mr. Purdy,  
Mr. Phillips,

Mr. Shattuck,  
Mr. Yerkes,

8

Mr. Felch moved to amend the title of said bill by substituting the following, which was agreed to : " A bill to provide for the construction of certain works of internal improvement, and for other purposes."

On motion of Mr. McGaffey, the joint resolution relative to adjournment was taken up.

The question being on concurring in the amendment made thereto by the Senate, to strike out the word "tenth" and insert the word "thirteenth" in lieu thereof.

Mr. Alden moved to amend by striking out the word "tenth" and insert "twenty-fifth" in lieu thereof ; which, on motion of Mr. Lothrop, was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Ely,

Mr. Howe,  
Mr. Levake,  
Mr. Mosely,

Mr. Job Smith,  
Mr. Shattuck,  
Mr. Speaker,

9

## NAYS.

Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ferrington,

Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,

Mr. King,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Shellhouse,  
Mr. Yerkes,

31

Mr. Bingham moved to lay the resolution on the table, which, on motion of Mr. Lothrop, was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Alden,	Mr. Heath,	Mr. Shattuck,	
Mr. Bingham,	Mr. King,	Mr. Wisner,	
Mr. Ely,	Mr. Levake,	Mr. Speaker,	
Mr. Howe,	Mr. Job Smith,		11

NAYS.

Mr. Almy,	Mr. Ferrington,	Mr. Lothrop,	
Mr. Brown,	Mr. Felch,	Mr. Munger,	
Mr. Burbank,	Mr. Farrington,	Mr. Martin,	
Mr. Butler,	Mr. Finch,	Mr. McGaffey,	
Mr. Ballard,	Mr. Foote,	Mr. McKeen,	
Mr. Burke,	Mr. Gilbert,	Mr. Mosely,	
Mr. Cressey,	Mr. Herrington,	Mr. Purdy,	
Mr. Cornell,	Mr. Haskins,	Mr. Phillips,	
Mr. Colbath,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Eldred,	Mr. Kingsley,	Mr. Yerkes,	30

Mr. McKeen moved that the resolution lay on the table and be made the special order of the day for Thursday next, which was agreed to.

On motion of Mr. Alden, the engrossed bill, entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," was taken up, read a third time and passed.

The bill from the Senate entitled "A bill to alter the terms of the circuit courts in the first circuit," was taken up, read the first and second time and laid upon the table.

On motion of Mr. Wisner, the House resolved itself into a committee of the whole, Mr. Finch in the chair, on the bill entitled "A bill to incorporate the village of Pontiac," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Wisner, the bill, entitled "A bill to incorporate the Pontiac and Huron river canal company," was taken up and recommitted to a select committee of three, consisting of Messrs. Wisner, Burbank, Felch.

On motion, adjourned.

*Friday, February 24.*

The roll being called, the following members were absent: Messrs. Almy, Brown, Ballard, Cressey, Heath, Lee, Levake, Munger, Martin, Monfore, McKeen, Ralph.

The minutes of the previous day having been read,

Mr. Eldred asked and obtained leave of absence for Mr. Brown, until Monday next.

Mr. Wisner asked and obtained leave of absence for Mr. McGaffey, for one week.

Mr. Bingham, from the select committee to which was committed the bill from the Senate entitled "A bill to provide for the appointment of state printer, and to prescribe his powers and duties," reported the same to the House without amendment.

Mr. Burbank, from the select committee to which was committed the bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," reported the same to the House with sundry amendments.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the following bills:

"An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county."

"An act to incorporate the village of Coldwater, in the county of Branch."

Mr. Wisner, from the select committee to which was committed the bill entitled "A bill to incorporate the Pontiac and Huron river canal company," reported the same to the House with sundry amendments.

Mr. Ely, from former notice given, asked and obtained leave to bring in a bill entitled "A bill authorizing the board of supervisors of the county of Allegan to borrow a sum of money not exceeding fifteen thousand dollars, for the erection of county buildings," which was read the first and second time, and on motion of Mr. Felch, committed to the committee on the judiciary.

The engrossed bill entitled "A bill to provide for taking the census," was taken up, read a third time and passed.

The bill entitled "A bill to incorporate the Detroit and Pontiac

turnpike company," with the amendments reported by the select committee, was taken up, and the amendments were concurred in.

Mr. Wisner moved to amend the first section of said bill by striking out the word "thirty" in the sixth line, and insert "thirty-five" in lieu thereof, which was negatived.

Mr. Burbank moved to amend by striking out "thirty," and insert "twenty-five" in lieu thereof, which, on motion of Mr. Calkin, was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Burbank,	Mr. Cressey,	Mr. Gilbert,	
Mr. Butler,	Mr. Finch,	Mr. Herrington,	6

NAYS.

Mr. Alden,	Mr. Foote,	Mr. Shattuck,	
Mr. Alny,	Mr. Howe,	Mr. Shellhouse,	
Mr. Bingham,	Mr. Haskins,	Mr. Thayer,	
Mr. Burke,	Mr. Kellogg,	Mr. Wing,	
Mr. Calkin,	Mr. King,	Mr. Wisner,	
Mr. Eldred,	Mr. Munger,	Mr. Ward,	
Mr. Ely,	Mr. Mosely,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Job Smith,	Mr. Speaker,	25
Mr. Farrington,			

Mr. Haskins moved to amend by striking out "thirty," and insert "twenty" in lieu thereof, which, on motion of Mr. Calkin, was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Job Smith,	
Mr. Bingham,	Mr. Foote,	Mr. Shattuck,	
Mr. Burbank,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Burke,	Mr. Howe,	Mr. Thayer,	
Mr. Calkin,	Mr. Haskins,	Mr. Wing,	
Mr. Cornell,	Mr. Kellogg,	Mr. Ward,	
Mr. Eldred,	Mr. King,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Munger,	Mr. Speaker,	26
Mr. Felch,	Mr. Purdy,		

NAYS.

Mr. Almy,	Mr. Finch,	Mr. Mosely,	
Mr. Butler,	Mr. Herrington,	Mr. Wisner,	7
Mr. Ely,			

On motion of Mr. Wisner, said bill was ordered to be engrossed and read a third time.

The following communication was received from the Executive by Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

In compliance with the request of the Governor of Vermont, I herewith transmit to the legislature certain resolutions of the general assembly of that state.

STEVENS T. MASON.

*February 24, 1837.*

EXECUTIVE DEPARTMENT, VERMONT, }  
Montpelier, Nov. 18, 1836. }

SIR—In compliance with the request of the general assembly of this state, I have the honor to transmit the subjoined resolutions, with the request that they may be communicated to the legislature of your state.

Very respectfully,

Your obedient servant,

S. H. JENISON.

*His Excellency the Governor of Michigan.*

*Resolved by the General Assembly of the State of Vermont, That neither Congress nor the state governments have any constitutional right to abridge the free expression of opinions, or the transmission of them through the public mail.*

*Resolved, That Congress do possess the power to abolish slavery and the slave trade in the District of Columbia.*

*Resolved, That his excellency, the Governor, be requested to transmit copies of the foregoing resolutions to the executive of each of the states, and to each of our senators and representatives in Congress.*

In House of Representatives, Nov. 15, 1836—Resolutions read and passed.

A. L. MINER, *Clerk.*

In Senate, Nov. 16, 1836—Read and resolved to concur.

N. WILLIAMS, *Secretary.*

Mr. Wisner moved that the message and accompanying resolutions be committed to a select committee of three.

Mr. Ward moved to amend by indefinitely postponing the consideration of the above resolution, which, on motion of Mr.



Wisner, was decided by yeas and nays in the affirmative, as follows :

**YEAS.**

Mr. Alden,	Mr. Felch,	Mr. Purdy,	
Mr. Almy,	Mr. Farrington,	Mr. Job Smith,	
Mr. Bingham,	Mr. Herrington,	Mr. Shattuck,	
Mr. Butler,	Mr. Howe,	Mr. Shellhouse,	
Mr. Burke,	Mr. Kellogg,	Mr. Thayer,	
Mr. Calkin,	Mr. King,	Mr. Wing,	
Mr. Cornell,	Mr. Munger,	Mr. Ward,	
Mr. Colbath,	Mr. McKeen,	Mr. Yerkes,	
Mr. Eldred,	Mr. Mosely,	Mr. Speaker,	28
Mr. Ferrington,			

**NAYS.**

Mr. Ely,	Mr. Gilbert,	Mr. Phillips,	
Mr. Finch,	Mr. Haskins,	Mr. Wisner,	7
Mr. Foote,			

The bill from the Senate entitled “ A bill to alter the term of the circuit courts in the first circuit,” was taken up, read a third time and passed.

On motion of Mr. Ward,

The House resolved itself into a committee of the whole, Mr. Felch in the chair, on the bill entitled “ A bill to provide for the disposition of the university and primary school lands, and for other purposes,” and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion, adjourned.

**AFTERNOON SESSION.**

Mr. Butler asked and obtained leave of absence for Mr. Ballard.

Mr. Farrington asked and obtained leave of absence for Messrs. Felch and Wing, until Monday next.

On motion of Mr. Alden,

The House took up the bill entitled “ A bill to vacate the seat of justice of Branch county, and to establish the same at Coldwater village, in said county.”

Also, moved to amend the third, fourth and fifth sections, by

striking out the words "two thirds" where it occurs, and insert "a majority" in lieu thereof, which was agreed to.

Also to amend the fourth section by striking out the word "November" in the third line, and insert "April" in lieu thereof, which was agreed to.

On motion of Mr. Alden, said bill was ordered to be engrossed, and read a third time to-day.

The engrossed bill as above being under consideration, was read a third time and passed.

Mr. Butler moved to amend the title of said bill by substituting the following: "A bill to establish the seat of justice of Branch county."

The question being on the adoption of the above amendment, it was, on motion of Mr. McKeen, decided by yeas and nays in the affirmative, as follows:

#### YEAS.

Mr. Alden,	Mr. Finch,	Mr. McKeen,
Mr. Almy,	Mr. Foote,	Mr. Purdy,
Mr. Burbank,	Mr. Gilbert,	Mr. Phillips,
Mr. Butler,	Mr. Howe,	Mr. Job Smith,
Mr. Burke,	Mr. Haskins,	Mr. Shattuck,
Mr. Calkin,	Mr. Kellogg,	Mr. Shellhouse,
Mr. Cornell,	Mr. King,	Mr. Wisner,
Mr. Eldred,	Mr. Munger,	Mr. Speaker,
Mr. Farrington,		

25

#### NAYS.

Mr. Herrington,

1

On motion of Mr. Wisner,

The House resumed the consideration, in committee of the whole, Mr. Finch in the chair, of the bill entitled "A bill to incorporate the village of Pontiac," and after spending some time therein, the committee rose and reported there was not a quorum of members present.

On motion, adjourned.

*Saturday, February 25.*

The roll being called, the following members were absent: Messrs. Almy, Bingham, Ballard, Martin, Monfore, McKeen, Purdy, Yerkes.

The minutes of the previous day having been read,

Mr. Kellogg asked and obtained leave of absence for Mr. Kingsley, until Monday next.

Mr. Lothrop asked and obtained leave of absence for Mr. Cressey, until Tuesday next.

Mr. Howe offered the following resolution:

*Resolved*, That the select committee to which was referred a resolution to inquire into certain charges against an officer of this House, be discharged from the further consideration of the subject.

The question being upon the adoption of the above resolution, it was, on motion of Mr. Butler, decided by yeas and nays in the negative, as follows:

#### YEAS.

Mr. Alden,	Mr. Levake,	Mr. Shattuck,
Mr. Howe,	Mr. Munger,	Mr. Wisner,
Mr. Kellogg,	Mr. Job Smith,	Mr. Ward,
Mr. King,		

10

#### NAYS.

Mr. Burbank,	Mr. Farrington,	Mr. Lee,
Mr. Butler,	Mr. Finch,	Mr. Lothrop,
Mr. Burke,	Mr. Foote,	Mr. McKeen,
Mr. Calkin,	Mr. Gilbert,	Mr. Phillips,
Mr. Cornell,	Mr. Herrington,	Mr. Shellhouse,
Mr. Colbath,	Mr. Haslins,	Mr. Thayer,
Mr. Eldred,	Mr. Heath,	Mr. Speaker,

21

Mr. McKeen moved for a reconsideration of the vote taken yesterday on the final passage of the bill entitled "A bill to establish the seat of justice of Branch county."

The question being upon reconsidering, it was, on motion of Mr. Lothrop, decided by yeas and nays in the negative, as follows:

#### YEAS.

Mr. Burke,	Mr. Herrington,	Mr. Job Smith,
Mr. Cornell,	Mr. Heath,	Mr. Shellhouse,

Mr. Colbath,  
Mr. Eldred,  
Mr. Ferrington,  
Mr. Farrington,

Mr. Lothrop,  
Mr. McKeen,  
Mr. Phillips,

Mr. Thayer,  
Mr. Ward,  
Mr. Speaker,

16

## NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Butler,  
Mr. Calkin,  
Mr. Ely,  
Mr. Finch,

Mr. Foote,  
Mr. Gilbert,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kellogg,

Mr. King,  
Mr. Lee,  
Mr. Munger,  
Mr. Shattuck,  
Mr. Wisner,

16

On motion of Mr. Ely,

The House resolved itself into a committee of the whole, Mr. Almy in the chair, on the bill entitled "A bill to incorporate the Gibraltar and Clinton railroad company," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

Mr. Lothrop presented a remonstrance from Moses Botherton and others, of Calhoun county, remonstrating against the prayer of a petition from Horace Brace and others. Read and laid up on the table.

The following communication was received from the Executive by Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county ;" "An act to incorporate the village of Coldwater, in the county of Branch ;" and "An act to alter the terms of the circuit courts in the first circuit."

STEVENS T. MASON.

*Feb. 25, 1837.*

On motion of Mr. Mosely, the engrossed bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," was taken up and read a third time.

On motion, adjourned to Monday at 10 o'clock A. M.

*Monday, February 27.*

The roll being called, the following members were absent :

Messrs. Bingham, Burbank, Ballard, Felch, Foote, Haskins, Kingsley, Levake, Munger, Monfore, McGaffey, Mosely, Purdy, Phillips, Jos. Smith, Wing, Wisner.

The journal of the previous day having been read, Mr. Cressey announced the death of the Hon. Ezra Convis, of Calhoun, as follows :

MR. SPEAKER—It is with the most painful emotions that I announce to this House one of those afflicting dispensations of Providence, in which it is difficult to acquiesce, however confidently we may believe that “ whatever is, is right.”

Our late and highly esteemed associate, the Hon. Ezra Convis, departed this life at half-past nine o'clock this morning.

Were his character not so extensively known and so justly appreciated, I would pay a parting tribute to his memory ; but, sir, upon this floor, where his talents as a statesman have commanded him respect, and his virtues as a man have won him confidence, no eulogy is necessary.

While we lament the loss of our friend, let us treasure up his many excellent qualities, and keep them constantly before us as patterns, worthy of imitation ; and let this melancholy event deeply impress upon our minds the solemn truth, that even in the meridian of our days, it is but a single step to that bourne from whence no traveller returns.

On motion of Mr. Alden,

*Resolved*, That in testimony of our respect for the memory of Gen. Ezra Convis, late a member of the House of Representatives, who departed this life this morning, the members of the House of Representatives will wear the usual badge of mourning during the remainder of the session.

*Resolved*, That the members of the House of Representatives will attend the funeral of the deceased to-morrow afternoon at half-past two o'clock.

*Resolved*, That a committee of five members be appointed to superintend the funeral of the deceased.

*Resolved*, That a committee of three be appointed to inform the Senate of the death of the Hon. Ezra Convis, late a member

of the House of Representatives, and transmit a copy of the above resolutions to that body.

*Resolved*, That when this House adjourn, it will adjourn to meet at two o'clock to-morrow afternoon, to attend the funeral of the deceased.

The Chair announced the following committees in accordance with the provisions of the above resolutions :

Messrs. Alden, Lothrop, Ward, Cressey, Mosely, committee of arrangement.

Committee to wait on the Senate : Messrs. Finch, Almy, Calkin.

On motion, adjourned until to-morrow at two o'clock P. M.

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*Tuesday, February 28.*

The House met pursuant to adjournment, and after attending the funeral of the late Ezra Convis,  
Adjourned.

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*Wednesday, March 1.*

The roll being called, the following members were absent :

Messrs. Ballard, Cressey, Haskins, Heath, Martin, Monfore, McGaffey, McKeen, Jos. Smith and Wisner.

The journal of the previous day having been read, the following petitions, &c., were presented and severally referred :

By Mr. Lothrop,

A petition from Levi Kirkum and others, inhabitants of Eaton county, for the location of the state penitentiary at Bellevue. Referred to the committee on state prisons.

By Mr. Ralph,

A petition from sundry inhabitants of the county of Hillsdale, praying for the organization of a town, &c. Referred to the committee on the organization of towns and counties.

Also, presented a remonstrance from sundry inhabitants against the organization of a certain town. Referred as above.

By Mr. Felch,

Sundry claims from Leander Hill and others, for their services in supporting the supremacy of the laws. Referred to the committee on claims.

By Mr. Almy,

A remonstrance of sundry inhabitants of Ionia county, against dividing the township of Ionia. Referred to the committee on the organization of towns and counties.

Also, a petition of James Anderson and Edward H. Macy, for liberty to erect a dam in the Thorn Apple river. Referred to the committee on internal improvement.

By Mr. Cornell,

A petition from sundry inhabitants of the county of Jackson, for the organization of a certain township. Referred to the committee on the organization of towns and counties.

Mr. Thayer presented the following communication, which after being read, on motion, the latter branch of the communication was referred to committee on ways and means.

*Detroit, February 23, 1837.*

DEAR SIR.—The commissioners have reported in favor of the allowance of my account, \$398. As the account is for money loaned or advanced, by your request, to purchase supplies for the Toledo expedition, it therefore seems to me, that the amount should be returned with interest. If this should be your opinion, you will confer a favor by recommending an appropriation to pay the interest from the thirty-first of August, 1835, the time I delivered the money, until paid.

Respectfully your friend, and obedient servant,

D. G. JONES.

*His Excellency, S. T. Mason, Governor of Michigan.*

There is in my store-house seventeen boxes of arms belonging to the state. Transportation and storage, \$69 20. They are near the river, and of course not the best place for arms. By recommending an appropriation to pay the charges and their removal, you will greatly oblige

D. G. JONES.

Mr. Calkin asked and obtained leave of absence for Mr. Haskins.

Mr. Mosely asked and obtained leave of absence for Mr. Wisner,

Mr. Finch asked and obtained leave of absence for Mr. Cressey.

Mr. Ward asked and obtained leave of absence for Mr. Houston, sergeant-at-arms, during the remainder of the session.

Mr. Ely, from the committee on internal improvement to which was committed the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river," reported the same to the House.

Also made the following report, which, on motion of Mr. Burbank, was laid upon the table.

The committee on internal improvement have had several petitions for railroads under consideration, and have instructed their chairman to make the following

#### REPORT:

The petition of sundry inhabitants of St. Clair and Macomb counties, for the extension of the St. Clair and Romeo railroad to Grand river, and the petition from sundry inhabitants of St. Clair county, for a railroad from Black river, in the county of St. Clair, to Grand river. Your committee believe it is inexpedient to have further action by the legislature at its present session. They therefore ask to be discharged from further consideration of the above named petitions during the present session of the legislature.

E. ELY, *Chairman.*

Mr. Almy, from the committee on roads and bridges, to which was committed the bill from the Senate, entitled "A bill to lay out a state road from Ypsilanti to Ridgeway," reported the same to the House without amendment.

Also, reported a bill entitled "A bill appointing commissioners to lay out and establish certain state roads," which was read the first and second time and laid on the table.

Mr. Wing gave notice that he should, at some future time, ask leave to bring in a bill to amend an act entitled "An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county."

Mr. Mosely, from former notice given, asked and obtained leave to bring in a bill entitled "A bill to incorporate the Saginaw and Genesee railroad company," which was read the first and second time and committed to the committee on internal improve-



The engrossed bill entitled "A bill in relation to the last will and testament of Joseph Salato," was taken up, read a third time and passed.

The engrossed bill entitled "A bill to provide for the organization and government of the university of Michigan," was taken up, read a third time and passed.

The engrossed bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," was taken up and read a third time. The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Foote,	Mr. Mosely,
Mr. Almy,	Mr. Gilbert,	Mr. Purdy,
Mr. Brown,	Mr. Herrington,	Mr. Phillips,
Mr. Burbank,	Mr. Howe,	Mr. Ralph,
Mr. Butler,	Mr. Heath,	Mr. Job Smith,
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cornell,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Colbath,	Mr. King,	Mr. Wing,
Mr. Eldred,	Mr. Lee,	Mr. Wisner,
Mr. Ely,	Mr. Lothrop,	Mr. Ward,
Mr. Felch,	Mr. Martin,	Mr. Yerkes,
Mr. Farrington,	Mr. McKeen,	Mr. Speaker,
Mr. Finch,		

87

NAYS.

Mr. Calkin,	Mr. Levake,	2
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On motion of Mr. Bingham, the bill from the Senate, entitled "A bill to provide for the appointment of state printer, and to prescribe his powers and duties," was taken up, and the House resolved itself into a committee of the whole on said bill, Mr. Ely in the chair, and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in. Said bill having been read a third time, was passed.

The following communication was received from the Senate through their secretary:

**MR. SPEAKER**—In pursuance of the rules of the Senate, I have been directed to inform the House of Representatives, that the Senate have receded from the amendment made to the bill from the House of Representatives, entitled "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from De-

troit river to Dearbornville;" I also herewith transmit a joint resolution which has passed the Senate, entitled "A resolution authorizing a loan to the Detroit and St. Joseph railroad company," in which the concurrence of the House is respectfully requested.

The joint resolution from the Senate, entitled "A resolution authorizing a loan to the Detroit and St. Joseph railroad company," was taken up and read the first and second time.

Mr. Lothrop moved the suspension of the fourth rule.

Mr. Felch moved, as an amendment, that the resolution be referred to the committee on internal improvement, which was negatived.

The question recurring on the suspension of the rule, it was, on motion of Mr. Whipple, decided by yeas and nays in the negative, as follows :

#### YEAS.

Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Herrington,

Mr. Howe,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lothrop,  
Mr. Levake,  
Mr. Munger,  
Mr. Martin,

Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Thayer,  
Mr. Ward,  
Mr. Speaker,

20

#### NAYS.

Mr. Burbank,  
Mr. Butler,  
Mr. Burke,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,

Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Heath,

Mr. King,  
Mr. McKeen,  
Mr. Phillips,  
Mr. Ralph,  
Mr. Wing,  
Mr. Yerkes,

18

On motion of Mr. Felch, the resolution was laid upon the table, and on motion of Mr. Cornell, was made the special order of the day for to-morrow.

On motion of Mr. Lothrop, the House resumed the consideration, in committee of the whole, Mr. Almy in the chair, of the bill entitled "A bill to incorporate the Gibraltar and Clinton railroad company," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Finch, said bill was ordered to be engrossed for a third reading.

On motion, adjourned.

## AFTERNOON SESSION.

On motion of Mr. Lothrop, the House resumed the consideration, in committee of the whole, Mr. Finch in the chair, of the bill entitled "A bill to incorporate the village of Pontiac," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Burbank, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Ward, the House resumed the consideration, in committee of the whole, Mr. Felch in the chair, of the bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

Mr. Ward moved to amend the eleventh and twelfth sections of said bill by substituting the following :

Sec. 11. The Superintendent of Public Instruction is hereby authorized and instructed to grant to the purchaser or purchasers of any lands sold under and by virtue of the provisions of this act, a certificate which shall describe the lands sold, the consideration paid therefor, the terms of payment, and generally the terms of contract, which certificate the said Superintendent shall sign and deliver to the purchaser or purchasers aforesaid, reserving a duplicate of the same ; and which certificate shall entitle the said purchaser or purchasers, his or their assignee or assignees to a patent for the lands so purchased, when the terms of the contract shall have been fulfilled ; and the Governor of the state shall sign and cause to be issued patents for said lands, upon the delivery of the certificate aforesaid, with the further certificate of the said Superintendent that the lands described in said first mentioned certificate have been paid for, and that the terms of the contract of sale have in all things been fulfilled.

Sec. 12. The state shall not be deemed to have divested itself of the legal estate in and to any of said lands until a patent shall issue therefor, pursuant to the provisions of the preceding section of this act ; and in case of the non-fulfilment, by the purchaser, of the terms of the contract of sale, to be set forth and stated in the

certificate authorized to be granted to and by the said preceding section, the said contract shall become absolutely void ; and it shall be the duty of the Superintendent of Public Instruction, in the name of the state, to re-enter in and upon the lands described in said certificate, and to expel therefrom all persons, and to make resale of said lands, pursuant to the provisions of this act ; and further, all grants and conveyances of any of said lands, made by any purchaser thereof, before said patent shall issue, shall be void as against the state.

Mr. Alden moved as an amendment to the amendment, to insert after the word "required," in the first line of the eleventh section, the following : "to execute to the purchaser thereof, a good and sufficient deed in his name of office, of the lands which shall be sold under the provisions of this act."

On motion of Mr. Wing, the bill and amendments were re-committed to the committee on the judiciary, with instructions to incorporate the above amendments in said bill.

On motion of Mr. Butler, the House resolved itself into a committee of the whole, Mr. Alden in the chair, on the following bills: A bill entitled "A bill to vacate the present seat of justice of the county of Hillsdale, and providing for a relocation of the same ;" "A bill to repeal certain acts ;" and after spending some time therein, the committee rose and reported the first named bill to the House with an amendment, to strike out all after the enacting clause, which was concurred in.

Also, reported progress on the last named bill, and asked and obtained leave to sit again.

The following communication was received from the Senate through their secretary :

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives, that the Senate have agreed to the appointment of a committee of conference on the part of the Senate, on the disagreement between the two houses, on the bill entitled "A bill to authorize the supervisors of the county of Lapeer to loan a certain sum of money," and that Messrs. Manning, Clark and Davis have been appointed said committee on the part of the Senate.

On motion, adjourned.

*Thursday, March 2.*

The roll being called, the following members were absent: Messrs. Ballard, Levake, Martin, Monfore, McGaffey, Purdy, Job Smith, Thayer.

The journal of the previous day having been read,

Mr. Lee presented a petition from Daniel Thompson, jailer of Wayne county, for increase of fees. Referred to the committee on claims.

Mr. Eldred, from the committee on ways and means, to which was committed the bill from the Senate, entitled "A bill to furnish each organized county with a complete set of weights and measures," reported the same to the House without amendment.

Mr. Finch laid upon the table the following resolution:

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Treasurer of the state be, and he is hereby, authorized to loan on the order of the Governor, the president and directors of the Erie and Kalamazoo railroad company, the sum of twenty thousand dollars, out of the five per cent. fund, at a rate of seven per cent. interest, for the period of three months, upon such security as the Auditor General may deem ample and satisfactory.

On motion of Mr. Farrington,

*Resolved,* That the committee on equalization of taxes, inquire into the propriety of enacting that every person subject to work on the highways, shall work the whole number of days they shall be so assessed, or commute for the same, at the rate of one dollar and twenty-five cents for each day.

The joint resolution from the Senate, entitled "A resolution authorizing a loan to the Detroit and St. Joseph railroad company," coming under the special order of the day, was taken up.

The question being upon its third reading, Mr. Felch moved that the special order of the day be postponed until Monday next, which was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows:

YEAS.

Mr. Almy,  
Mr. Burbank,  
Mr. Burke,

Mr. Felch,  
Mr. Farrington,  
Mr. Finch,

Mr. McKeen,  
Mr. Phillips,  
Mr. Ralph,

Mr. Calkin,  
Mr. Colbath,

Mr. Foote,  
Mr. Gilbert,

Mr. Shellhouse,  
Mr. Wisner, 15

## NAYS.

Mr. Alden,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Herrington,

Mr. Howe,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Levake,

Mr. Munger,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker,

25

Mr. Mosely moved to amend the same by inserting the following proviso at the close of the resolution, which was agreed to :

Provided, That the Auditor General shall be required to take as such security such acceptance or acceptances as the bank in which said money is now deposited shall approve of, and place to the credit of the state.

Said resolution as amended, having been read a third time, the question being upon its adoption, it was, on motion of Mr. Felch, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Burke,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,

Mr. Finch,  
Mr. Foote,  
Mr. Herrington,  
Mr. Howe,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Levake,

Mr. Munger,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker,

32

## NAYS.

Mr. Burbank,  
Mr. Felch,  
Mr. Farrington,

Mr. Gilbert,  
Mr. McKeen,

Mr. Phillips  
Mr. Wisner,

7

On motion of Mr. Felch, the joint resolution relative to adjournment, with an amendment made thereto by the Senate, was taken up.

Mr. Ward moved to amend the amendment, by striking out "thirteenth" and insert "twentieth" in lieu thereof.

On motion of Mr. Eldred, said resolution and amendment were laid upon the table.

On motion of Mr. Burbank, the bill entitled "A bill to incorporate the Pontiac and Huron river canal company." with an amendment thereto, reported by the select committee, was taken up and the amendment concurred in.

On motion of Mr. Wisner, said bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Burbank, the engrossed bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' " was taken up and read a third time.

On motion of Mr. Bingham, said bill was laid upon the table.

On motion of Mr. Ralph.

The House resolved itself into a committee of the whole, Mr. Bingham in the chair, on the following bills: "A bill granting to Thomas Palmer, James McClannan and Daniel Lockwood, the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer;" "A bill to organize certain townships;" and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bills were laid upon the table.

The following communication was received from the Senate through their secretary:

MR. SPEAKER—The Senate have passed bills of the following titles, viz: "A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes;" "A bill to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned:'" "A bill for the relief of Martin Story, A. H. Stowell and N. B. Carpenter;" and "A bill to authorize and regulate limited partnerships," in which the concurrence of the House of Representatives is respectfully requested.

On motion, adjourned.

## AFTERNOON SESSION.

The Chair presented the following communication, which, on motion, with the accompanying documents, was committed to the committee on banks and incorporations :

EXECUTIVE OFFICE, }  
*Detroit, March 2, 1837.* }

SIR—I have the honor to enclose the statement of the condition of the Farmers' and mechanics' bank, made in pursuance to a resolution of the House of Representatives of the 14th February.

Very respectfully, your obedient servant,

STEVENS T. MASON.

*Hon. C. W. WHIPPLE, Speaker*  
*of the House of Representatives.*

On motion of Mr. Ward, the joint resolution relative to adjournment, with an amendment made thereto by the Senate, was taken up, and the question being upon concurring in the amendment made by the Senate, it was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Burbank,	Mr. Finch,	Mr. Phillips,
Mr. Butler,	Mr. Foote,	Mr. Ralph,
Mr. Burke,	Mr. Gilbert,	Mr. Shellhouse,
Mr. Eldred,	Mr. Herrington,	Mr. Wing,
Mr. Ferrington,	Mr. Kellogg,	Mr. Ward,
Mr. Felch,	Mr. Lothrop,	Mr. Yerkes,
Mr. Farrington,	Mr. Munger,	

20

## NAYS.

Mr. Alden,	Mr. Colbath,	Mr. McKeen,
Mr. Almy,	Mr. Howe,	Mr. Purdy,
Mr. Brown,	Mr. Heath,	Mr. Job Smith,
Mr. Bingham,	Mr. King,	Mr. Shattuck,
Mr. Cornell,	Mr. Lee,	Mr. Speaker,

15

Mr. Bingham moved that the resolution be laid upon the table, and made the special order of the day for the 11st instant, which, on motion of Mr. Lothrop, was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Alden,	Mr. Eldred,	Mr. Lee,
Mr. Almy,	Mr. Gilbert,	Mr. McKeen,



Mr. Brown,	Mr. Howe,	Mr. Purdy,	
Mr. Bingham,	Mr. Heath,	Mr. Job Smith,	
Mr. Cornell,	Mr. Kingsley,	Mr. Speaker,	
Mr. Colbath,	Mr. King,		17

NAYS.

Mr. Burbank,	Mr. Finch,	Mr. Phillips,	
Mr. Butler,	Mr. Foote,	Mr. Ralph,	
Mr. Burke,	Mr. Herrington,	Mr. Shellhouse,	
Mr. Ferrington,	Mr. Kellogg,	Mr. Wing,	
Mr. Felch,	Mr. Lothrop,	Mr. Ward,	
Mr. Farrington,	Mr. Munger,	Mr. Yerkes,	18

The question being on the adoption of the resolution as amended, it was, on motion of Mr. Felch, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Munger,	
Mr. Bingham,	Mr. Finch,	Mr. Phillips,	
Mr. Burbank,	Mr. Foote,	Mr. Ralph,	
Mr. Butler,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Burke,	Mr. Herrington,	Mr. Wing,	
Mr. Eldred,	Mr. Kellogg,	Mr. Ward,	
Mr. Felch,	Mr. Lothrop,	Mr. Yerkes,	21

NAYS.

Mr. Almy,	Mr. King,	Mr. Job Smith,	
Mr. Brown,	Mr. Lee,	Mr. Shattuck,	
Mr. Howe,	Mr. McKeen,	Mr. Speaker,	
Mr. Heath,	Mr. Purdy,		11

The following bills from the Senate, were taken up and severally read the first and second time and committed.

“ A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes.” Committed to the committee on the judiciary.

“ A bill to authorize and regulate limited partnerships.” Committed as above.

“ A bill for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter.” Committed to the committee of ways and means.

“ A bill to amend an act entitled ‘ An act to provide for the inspection of certain articles therein mentioned.’ ” Committed as above.

On motion of Mr. Finch,

The House resolved itself into a committee of the whole, Mr. Ward in the chair, on the bill entitled "A bill to incorporate the Michigan college," and after spending some time therein, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Butler,

The House resolved itself into a committee of the whole, Mr. Felch in the chair, on the bill entitled "A bill to incorporate the Adrain and Coldwater turnpike road company," and after spending some time therein, the committee rose, and reported the same to the House with sundry amendments, which were concurred in. Said bill was ordered to be engrossed for a third reading.

The following communication was received from the Senate through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, where it originated, the bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," which the Senate have passed without amendment.

On motion of Mr. Ward, the bill entitled "A bill to amend an act entitled 'An act to incorporate the Michigan state bank,'" was taken up and committed to the committee on banks and incorporations.

On motion of Mr. McKeen, the bill entitled "A bill for the relief of John Goodrich," was taken up, and on motion of Mr. Felch, said bill was committed to a select committee of three, consisting of Messrs. Felch, McKeen, Burbank.

Mr. Cornell moved that the vote taken yesterday upon concurring in the amendments made in committee of the whole, to strike out all after the enacting clause to the bill entitled "A bill to vacate the present seat of justice of the county of Hillsdale, and providing for a relocation of the same," be reconsidered, which, on motion of Mr. Lothrop, was decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Alden,  
Mr. Butler,

Mr. Finch,  
Mr. Kellogg,

Mr. Phillips,  
Mr. Shattuck,

Mr. Cornell,	Mr. Munger,	Mr. Wing,	
Mr. Eldred,	Mr. Purdy,	Mr. Speaker,	12

NAYS.

Mr. Aliny,	Mr. Farrington,	Mr. McKeen,	
Mr. Brown,	Mr. Foote,	Mr. Mosely,	
Mr. Bingham,	Mr. Gilbert,	Mr. Ralph,	
Mr. Burbank,	Mr. Herrington,	Mr. Job Smith,	
Mr. Burke,	Mr. Howe,	Mr. Shellhouse,	
Mr. Calkin,	Mr. Heath,	Mr. Ward,	
Mr. Colbath,	Mr. Lee,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Lothrop,		23

On motion of Mr. Felch, the bill entitled "A bill to legalize the proceedings of and to incorporate the Dundee hydraulic company," with sundry amendments made in committee of the whole, was taken up, and the amendments concurred in.

Mr. Felch moved further to amend, by inserting the following to stand as the commencement of the first section, which was agreed to :

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Sylvanus Vannest, Riley Ingersoll, Mavor Brigham, Ira A. Parker, Arnold S. Trowbridge, Samuel P. Munger, James Douglass and such persons as have associated with them under the name of the Dundee hydraulic company, and such persons as shall become stockholders in said company and their successors."*

Also, moved further to amend by inserting the following at the end of the first section, which was agreed to :

"And all deeds of conveyance of lands, water privileges, tenements and hereditaments in said village of Dundee, duly executed and recorded, made to said company by the name of the 'President, directors and stockholders of the Dundee hydraulic company,' be, and the same are hereby, made as lawful and valid to the corporation hereby created, as if the same had been made to said corporation by name when duly organized under the provisions of this act."

Mr. Burbank moved further to amend by inserting after the word "succession," in the fourth line of the first section, the words "for ten years."

Mr. Felch moved as an amendment to the amendment, to in-

sert the words "for twenty-five years," which, on motion of Mr. Bingham, was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Butler,  
Mr. Burke,  
Mr. Cornell,  
Mr. Colbath,

Mr. Eldred,  
Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,

Mr. Gilbert,  
Mr. McKeen,  
Mr. Mosely,  
Mr. Wing,  
Mr. Ward,

16

## NAYS.

Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Calkin,  
Mr. Herrington,

Mr. Kellogg,  
Mr. Munger,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Job Smith,

Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Yerkes,  
Mr. Speaker,

14

On motion, adjourned.

*Friday, March 3.*

The roll being called, the following members were absent: Messrs. Almy, Ballard, Farrington, Foote, Heath, Levake, Martin, Monfore, McGaffey, Mosely.

The journal of the previous day having been read, the following petitions were presented and severally referred :

By Mr. Lothrop,

A petition of the German inhabitants of Detroit, praying for assistance in educating their numerous children. Referred to the committee on education.

By Mr. Felch,

A memorial from Lewis Bond, relative to the indemnity of certain citizens of Michigan, for destruction of their property by the British and Indians during the last war. Referred to a select committee of three, consisting of Messrs. Felch, Wing, Mosely.

The Chair presented a communication from the Farmers' and mechanics' bank of Detroit. Laid upon the table.

Mr. Burbank asked and obtained leave of absence for Mr. Foote, until Monday next.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the bill entitled "An act to extend Fort street in the city of Detroit, until it intersects the road leading from Detroit river to Dearbornville."

Mr. Eldred, from the committee of ways and means, to which was committed the following bills from the Senate: "A bill to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned;'" "A bill for the relief of Martin Story, Alexander H. Stowell, and N. B. Carpenter," reported the same to the House without amendment.

Mr. Ely, from the committee on internal improvements, reported a bill entitled "A bill to incorporate the Ypsilanti and Manchester railroad company," which was read the first and second time and laid upon the table.

Mr. McKeen moved the suspension of the twenty-first rule, which was agreed to, and asked and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Niles,'" which was read the first and second time and laid upon the table.

Mr. Lee, from the committee on claims, reported a bill entitled "A bill authorizing the board of supervisors of the county of Wayne, to make certain allowance to the jailer of said county," which was read the first and second time.

Mr. Felch moved to recommit said bill to the committee on the judiciary, with instructions so to amend the bill as to give the board of supervisors in the several counties in this state, authority to grant such extra compensation for keeping prisoners, &c., as they may deem just; the same to be paid out of the treasury of the respective counties, which was agreed to.

Mr. Lothrop, from the committee on banks and incorporations, reported a bill entitled "A bill to incorporate the Dowagiac hydraulic company," which was read the first and second time and laid upon the table.

Mr. Lee, from the committee on claims, reported the following bills, which were read the first and second time and laid upon the table: "A bill for the relief of Martin Kundig," "A bill for the relief of Thomas Snyder."

Mr. Wing, from former notice given, asked and obtained leave

to bring in a bill entitled "A bill amendatory to an act entitled 'An act to vacate the present seat of justice of Berrien county,' and establish the same at the village of Berrien, in said county," which was read the first and second time and laid upon the table.

On motion of Mr. Ely,

*Resolved*, That the committee on the judiciary be, and they are hereby, instructed to inquire into the expediency of authorizing the board of supervisors of the respective counties in this state to raise a sum not exceeding two hundred dollars in each county, by tax, for the purpose of obtaining authentic copies of all the maps and field notes of original surveys of the lands in their respective counties, and that they report by bill or otherwise.

Mr. Alden, from previous notice given, moved for a reconsideration of the vote taken yesterday on the adoption of the resolution relative to adjournment.

Mr. Bingham moved that the motion for reconsideration be laid upon the table, which was agreed to.

On motion of Mr. Lothrop, the bill entitled "A bill to repeal an act entitled 'An act to incorporate the River Raisin and Lake Erie railroad company,'" was taken up and committed to committee of the whole, and made the special order of the day for to-morrow.

Mr. McKeen offered the following resolution :

*Resolved*, That the committee on banks and incorporations be, and they are hereby, instructed to report a bill providing for the gradual suppression of the circulation of all bank notes of a less denomination than ten dollars.

Mr. Ward moved to amend by striking out the word "ten" in the last line and insert "five" in lieu thereof, which was agreed to.

The question being on the adoption of the resolution as amended, it was, on motion of Mr. Wisner, decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Burke,

Mr. Ferrington,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Heath,  
Mr. Kellogg,  
Mr. McKeen,

Mr. Purdy,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wing,

Mr. Calkin,	Mr. Lee,	Mr. Ward,	
Mr. Cornell,	Mr. Lothrop,	Mr. Yerkes,	
Mr. Colbath,	Mr. Munger,	Mr. Speaker,	
Mr Eldred,	Mr. Martin,		32

NAYS.

Mr. Ely,	Mr. King,	Mr. Wisner,	
Mr. Farrington,	Mr. Mosely,		5

Mr. Finch offered the following resolution:

*Resolved*, That the select and standing committees of this House shall report upon all the business before them, to this House, on or before Monday next.

The question being on the adoption of the above resolution, it was negatived.

The following communication was received from the Senate through their secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, without amendment, the bill entitled "A bill to incorporate the village of White Pigeon," and also transmit a bill, which has passed the Senate, entitled "A bill to incorporate the village of Centreville," in which the concurrence of the House is respectfully requested. I am also directed to inform the House of Representatives that the Senate have concurred in the amendment made by the House of Representatives to the amendment of the Senate to the bill entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money."

Mr. Lothrop laid on the table the following resolution:

*Resolved by the Senate and House of Representatives of the State of Michigan*, That when this legislature adjourns, it will adjourn to meet at the capitol in the city of Detroit, on Thursday, the ninth day of November next.

*Resolved*, That this resolution be sent to the Senate for its concurrence.

On motion of Mr. Purdy, the engrossed bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" was taken up; also moved that the bill be recommitted to the committee on the judiciary, with instructions.

Mr. Finch moved as an amendment, that the committee be in-

structed to strike out all after the enacting clause, which was negatived.

On motion, said bill was laid upon the table.

On motion of Mr. Felch, the bill entitled "A bill to provide for the election of state officers," was taken up, and committed to the committee on the judiciary.

On motion of Mr. Farrington, the engrossed bill entitled "A bill to incorporate the Gibraltar and Clinton railroad company," was taken up and read a third time.

The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows:

#### YEAS.

Mr. Alden,	Mr. Felch,	Mr. McKeen,
Mr. Almy,	Mr. Farrington,	Mr. Purdy,
Mr. Brown,	Mr. Gilbert,	Mr. Ralph,
Mr. Burbank,	Mr. Howe,	Mr. Job Smith,
Mr. Butler,	Mr. Heath,	Mr. Shattuck,
Mr. Burke,	Mr. Kellogg,	Mr. Shellhouse,
Mr. Calkin,	Mr. Kingsley,	Mr. Thayer,
Mr. Cornell,	Mr. King,	Mr. Wing,
Mr. Colbath,	Mr. Lee,	Mr. Ward,
Mr. Eldred,	Mr. Lothrop,	Mr. Yerkes,
Mr. Ely,	Mr. Munger,	Mr. Speaker,
Mr. Ferrington,	Mr. Martin,	

35

#### NAYS.

Mr. Bingham,

1

The following communications were received from the Executive, by Mr. Pritchette, Secretary of State:

#### *To the House of Representatives:*

I transmit for the action of the House of Representatives, the proposition of the Detroit and Pontiac railroad company for the surrender of their charter to the state. The importance of the improvement here contemplated, is such, that I am induced to submit the proposition to the legislature, with the recommendation that it should receive their serious and attentive consideration.

STEVENS T. MASON.

March 3, 1827.

(See Document No. 15.)

#### *To the House of Representatives:*

I have this day approved and filed in the office of the Secreta-



ry of State an act entitled "An act to provide for the appointment of state printer, and to prescribe his powers and duties," and also "A joint resolution authorizing a loan to the Detroit and St. Joseph railroad company."

STEVENS T. MASON.

*Detroit, March 3, 1837.*

On motion of Mr. Ward, the twenty-first rule being suspended, the bill entitled "A bill amendatory to an act entitled 'An act to vacate the present seat of justice of Berrien county, and establish the same at the village of Berrien, in said county,'" was taken up and ordered to be engrossed and read a third time; the engrossed bill as above being under consideration, was read a third time and passed.

The bill entitled "A bill to authorize the supervisors of the county of Lapeer to loan a certain sum of money," was taken up, with the report of the committee of conference, that the Senate concur in the amendment of the House to strike out "November," and insert "April" in the third amendment of the Senate; that the House do recede from their disagreement to the fifth and sixth amendments of the Senate.

On motion, the report was accepted. Said bill as amended passed.

On motion of Mr. Almy,

The House resolved itself into a committee of the whole, Mr. Eldred in the chair, on the bill entitled "A bill to incorporate the Grand rapids bridge company," and after spending some time therein, the committee rose and reported the same back to the House, with sundry amendments, which were concurred in.

On motion, said bill was ordered to be engrossed for a third reading.

The following communication was received from the Senate, through their secretary:

Mr. SPEAKER—The Senate have passed bills of the following titles, viz: "A bill to incorporate the village of Mt. Clemens;" "A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money;" "A bill to organize certain townships;" and "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,'" approv-

ed August 25th, 1835. I also herewith return to the House of Representatives the bill entitled "A bill in relation to the last will and testament of Joseph Salato," with an amendment made thereto by the Senate, in which bills and amendment the concurrence of the House is respectfully requested.

The Chair presented the following communication :

EXECUTIVE OFFICE, }  
March 3, 1837. }

*Hon. C. W. WHIPPLE, Speaker, &c.*

SIR—I have to request you to inform the House of Representatives that I have deposited in the Michigan state bank, to the credit of the state Treasurer, six thousand and one hundred dollars, received on a warrant drawn in my favor by the Secretary of the Treasury of the United States, on account of the five per cent. fund, accruing on the net sales of public lands during the fourth quarter of year 1836.

I have the honor to be your obedient servant,

STEVENS T. MASON.

The bill entitled "A bill in relation to the last will and testament of Joseph Salato," with an amendment thereto by the Senate, was taken up and concurred in.

The following bills from the Senate were severally read the first and second time and committed.

"A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,' approved the 25th of August, 1835." Committed to the committee on internal improvement.

"A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money." Committed to the committee on the judiciary.

"A bill to incorporate the village of Mount Clemens." Committed to the committee on banks and incorporations.

"A bill to organize certain townships." Laid on the table.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Bingham in the chair, on the joint resolution from the Senate entitled "A resolution directing the publication of the laws," and after spending some time therein, the committee rose and reported

the same to the House, with an amendment, which was concurred in.

Mr. Ward moved to amend said resolution, by striking out the words "Tecumseh Democrat," in the sixteenth line, and insert "Adrian Watch Tower" in lieu thereof.

Mr. Finch moved that the resolution be laid upon the table, which was negatived.

The question recurring on the amendment offered by Mr. Ward, it was negatived.

Mr. Wisner moved to amend by striking out the words "Democratic Balance," in the seventeenth line, and insert "Pontiac Courier" in lieu thereof, which was negatived.

On motion, adjourned.

#### AFTERNOON SESSION.

The bill from the Senate entitled "A bill to incorporate the village of Centreville," was taken up and read the first and second time, and committed to the committee on the judiciary.

Mr. Lothrop, from the committee on enrolment, reported as correctly enrolled the bill entitled "An act in relation to the last will and testament of Joseph Salato."

Also laid on the table the following resolution :

*Resolved by the Senate and House of Representatives of the State of Michigan, That*                      be, and he is hereby, appointed state printer to the state of Michigan.

*Resolved, That* this resolution be sent to the Senate for its concurrence.

On motion of Mr. Ward, the bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' " was taken up and committed to a select committee of three, consisting of Messrs. Ward, Kingsley and Herrington, with instructions to strike out the third section of said bill.

On motion of Mr. Burbank, the engrossed bill entitled "A bill to incorporate the village of Pontiac," was taken up and read a third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Almy,  
Mr. Burbank,  
Mr. Butler,  
Mr. Burke,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,  
Mr. Farrington,

Mr. Finch,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Martin,

Mr. McKeen,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,

31

## NAYS.

Mr. Speaker,

1

Mr. Ward, from the select committee to which was committed the bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" reported the same to the House, amended in accordance with the instructions given.

On motion of Mr. Ely,

The House resolved itself into a committee of the whole, Mr. Ward in the chair, on the following bills:

"A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river;"  
"A bill authorizing the supervisors of the county of Allegan to borrow the sum of fifteen thousand dollars for the erection of county buildings;" and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

On motion of Mr. Mosely, the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river," was laid on the table.

On motion of Mr. Kingsley, the bill entitled "A bill authorizing the supervisors of the county of Allegan to borrow the sum of fifteen thousand dollars for the erection of county buildings," was read a third time and laid upon the table.

Mr. Kingsley presented a petition from O. Hawkins and others, relative to the retailing of ardent spirits. Referred to the committee on the judiciary.

Also, presented a communication from C. W. Morgan and others. Referred as above.

On motion of Mr. Burbank, the bill from the Senate entitled "A bill to organize certain townships," also the bill originating in the House, entitled "A bill to organize certain townships," were taken up and committed to a select committee of three, consisting of Messrs. Cornell, Burbank and McKeen.

On motion of Mr. Kingsley,

The House resumed the consideration, in committee of the whole, Mr. Alden in the chair, of the bill entitled "A bill to repeal certain acts," and after spending some time therein, the committee rose and reported the same to the House, with an amendment to strike out all after the enacting clause, which was concurred in.

The twenty-first rule being suspended,

Mr. Ward asked and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to create a fund for the benefit of certain moneyed corporations, and for other purposes,'" which was read the first and second time and laid upon the table.

Mr. Gilbert, from former notice given, asked and obtained leave to bring in a bill entitled "A bill to incorporate the Michigan institute association," which was read the first and second time, and committed to the committee on education.

The joint resolution from the Senate entitled "A resolution directing the publication of the laws," was taken up and read a third time.

On motion of Mr. Felch, said resolution was laid upon the table, and made the special order of the day for Monday next.

Mr. Lothrop, from the committee on banks and incorporations to which was committed the bill entitled "A bill to amend an act, entitled 'An act to incorporate the Michigan state bank,'" reported the same to the House with sundry amendments.

On motion, said amendments were ordered to be printed.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the bill entitled "An act authorizing the supervisors of the county of Lapeer to loan a certain sum of money."

On motion, adjourned.

*Saturday, March 4.*

The roll being called, the following members were absent: Messrs. Almy, Bingham, Ballard, Farrington, Foote, Gilbert, Heath, Levake, Monfore, McGaffey, Wisner, Ward.

The journal of the previous day having been read,

Mr. Ward presented a remonstrance from sundry inhabitants of Bertrand, against a division of said township. Referred to a select committee appointed on that subject yesterday.

Also, presented a petition from the common council of the village of Niles, praying for the extension of the boundaries of said village. Referred to the committee on the organization of towns and counties.

Mr. Ely, from the committee on internal improvement, to which was committed the bill from the Senate, entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,' approved the 25th August, 1835," reported the same to the House without amendment. Also, made the following

#### REPORT:

The committee on internal improvement, to which was referred the petition of sundry inhabitants of the county of Calhoun, praying for a charter for a railroad from Battle creek to Adrian, have instructed their chairman to make the following report:

A company has been already chartered under the name of "The Erie and Kalamazoo railroad company," and the work is already completed as far as Adrian, and vigorous measures are now in progress for extending the work to Kalamazoo river. There is, also a law, passed by the last legislature, granting a charter for a railroad from Marshall to Allegan, in which Battle creek is made a point. Your committee, therefore, think it inexpedient to grant the prayer of the said petitioners, and ask to be discharged from further consideration thereof, all which is respectfully submitted.

E. ELY, *Chairman.*

*March 4, 1837.*

Mr. Cornell, from the select committee to which was committed the bill from the Senate, entitled "A bill to organize certain townships;" also, the bill originating from the House, entitled "A

bill to organize certain townships," reported the same to the House with sundry amendments.

Mr. Kingsley, from the committee on the judiciary, reported a bill entitled "An act to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases,'" which was read the first and second time and laid upon the table.

Mr. Felch, from the committee on the library, reported a bill entitled "A bill to provide for the enlargement of the state library," which was read the first and second time and laid upon the table.

Mr. Felch gave notice that he should, on some future day, ask leave to bring in a bill relative to resignations and removals from office.

Mr. Ralph offered the following resolution:

*Resolved*, That a committee of three be appointed to bring in a bill prohibiting the removal of seats of justice when once established, until the number of inhabitants in any such county shall amount to                   thousand.

Mr. Alden moved to amend by inserting the word "three," in the last line.

Mr. Lothrop moved as an amendment to the amendment, to insert the word "five," which was agreed to.

Said resolution as amended, was adopted.

The Chair announced Messrs. Ralph, Cornell, Burbank, as the committee to carry into effect the provisions of the above resolution.

On motion of Mr. Finch,

*Resolved*, That the standing and select committees shall report to this House upon all the business before them, on or before Wednesday next.

Mr. Lothrop called up the joint resolution laid on the table by him yesterday, and offered the following as a substitute, which was accepted, and the resolution was adopted:

*Resolved by the Senate and House of Representatives of the State of Michigan*, That John S. Bagg be, and he is hereby, appointed state printer to the state of Michigan.

*Resolved*, That this resolution be sent to the Senate for its concurrence.

Also, offered the following, which was adopted :

*Resolved*, That the House of Representatives will now proceed on their part, to elect, *viva voce*, a state printer.

The Chair, announced Messrs. Ward and Lothrop as tellers, who announced the result to be as follows :

For John S. Bagg :

Mr. Alden,	Mr. Felch,	Mr. McKeen,
Mr. Almy,	Mr. Finch,	Mr. Mosely,
Mr. Brown,	Mr. Gilbert,	Mr. Purdy,
Mr. Bingham,	Mr. Herrington,	Mr. Phillips,
Mr. Burbank,	Mr. Howe,	Mr. Ralph,
Mr. Butler,	Mr. Heath,	Mr. Job Smith,
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cressey,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Calkin,	Mr. King,	Mr. Thayer,
Mr. Cornell,	Mr. Lee,	Mr. Wing,
Mr. Colbath,	Mr. Lothrop,	Mr. Wisner,
Mr. Eldred,	Mr. Munger,	Mr. Ward,
Mr. Ely,	Mr. Martin,	Mr. Speaker,
Mr. Ferrington,		

40

John S. Bagg received 40 votes.

The Chair announced that John S. Bagg, having received a majority of all the votes given, was therefore duly elected state printer, on the part of the House of Representatives.

The bill entitled "A bill to repeal an act entitled 'An act to incorporate the River Raisin and Lake Erie railroad company,'" coming under the special order of the day, was taken up, and on motion of Mr. Lothrop, the House resolved itself into a committee of the whole, Mr. Eldred in the chair, on said bill, and after spending some time therein, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion, said bill was made the special order of the day for Tuesday next.

On motion of Mr. Lothrop, the engrossed bill entitled "A bill to incorporate the Michigan mutual fire insurance company," was taken up and read a third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :



YEAS.

Mr. Alden,	Mr. Finch,	Mr. McKeen,
Mr. Bingham,	Mr. Gilbert,	Mr. Mosely,
Mr. Burbank,	Mr. Howe,	Mr. Purdy,
Mr. Butler,	Mr. Heath,	Mr. Phillips,
Mr. Burke,	Mr. Kellogg,	Mr. Ralph,
Mr. Calkin,	Mr. Kingsley,	Mr. Job Smith,
Mr. Cornell,	Mr. King,	Mr. Shattuck,
Mr. Colbath,	Mr. Lee,	Mr. Shellhouse,
Mr. Eldred,	Mr. Lothrop,	Mr. Thayer,
Mr. Ferrington,	Mr. Munger,	Mr. Ward,
Mr. Felch,	Mr. Martin,	Mr. Yerkes,

33

NAYS.

0

On motion of Mr. Burbank, the engrossed bill entitled "A bill to incorporate the Pontiac and Huron river canal company," was taken up and read a third time. The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Gilbert,	Mr. Purdy,
Mr. Burbank,	Mr. Howe,	Mr. Phillips,
Mr. Butler,	Mr. Heath,	Mr. Ralph,
Mr. Burke,	Mr. Kellogg,	Mr. Job Smith,
Mr. Cornell,	Mr. Kingsley,	Mr. Shattuck,
Mr. Colbath,	Mr. Lee,	Mr. Shellhouse,
Mr. Eldred,	Mr. Munger,	Mr. Thayer,
Mr. Ely,	Mr. Martin,	Mr. Wing,
Mr. Felch,	Mr. McKeen,	Mr. Ward,
Mr. Finch,	Mr. Mosely,	Mr. Yerkes,

30

NAYS.

Mr. Lothrop, 1

On motion of Mr. Cornell,

The House resolved itself into a committee of the whole, Mr. Ralph in the chair, on the bill entitled "A bill to incorporate the Michigan wool growing and manufacturing company," and after spending some time therein, the committee rose and reported the same to the House, with an amendment to strike out all after the enacting clause.

On motion of Mr. Finch, said bill was laid upon the table.

Mr. Mosely moved the suspension of the twenty-first rule, to enable him to bring in a bill to incorporate the Owasso canal company.

The question being on suspending the rule, it was negatived.

On motion, adjourned.

#### AFTERNOON SESSION.

On motion of Mr. Finch, the bill entitled "A bill to provide for the relief of Thomas Snyder," was taken up and ordered to be engrossed for a third reading.

The engrossed bill as above, being under consideration, was read a third time and passed.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Wing in the chair, on the bill entitled "A bill to amend an act entitled 'An act to incorporate the Michigan state bank,' " with the amendments reported by the committee on banks and incorporations, and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Lothrop, said bill was laid upon the table, and the amendments ordered to be printed.

The following communication was received from the Senate through their secretary :

MR. SPEAKER—The Senate have passed bills of the following titles : "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836," and "A bill appointing commissioners to lay out and establish certain state roads," in which they respectfully ask the concurrence of the House of Representatives.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Burbank, said bill was laid upon the table.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate, entitled "A bill to or-

ganize and regulate limited partnerships," reported the same to the House without amendment.

Also, reported a bill entitled " An act relative to incorporations for manufacturing purposes," which was read the first and second time and laid upon the table.

Mr. Ely, from the committee on internal improvement, made the following

REPORT:

The committee on internal improvement, to which " A bill to incorporate the Grand river and Saginaw canal company," was referred after its first and second reading, have instructed their chairman to report adverse to the bill, for the following reasons: First, because a bill has already passed the House, making an appropriation for a canal from Grand river to Saginaw river, as a state work; and secondly, there is no evidence before your committee, that the requisite notice has been given.

E. ELY, *Chairman*.

On motion, the report was accepted, and the committee discharged from the further consideration of the subject.

Mr. Eldred, from the select committee made the following

REPORT:

The committee to which was referred the complaint against an officer of this House, for a breach of its privileges, having given to the subject the careful examination its important and delicate character required, are constrained to report that the subject matter of the complaint has, to their minds, been fully substantiated; and that the honor and dignity of this House require a prompt and decided action upon the same. Therefore,

*Resolved*, That James Houston, the officer implicated in the above complaint, be, and he is hereby, discharged from the office he holds as sergeant-at-arms in the House.

*Resolved*, That this committee be discharged from any further action upon the same. All which is respectfully submitted.

On motion, said report and resolutions were laid upon the table.

On motion of Mr. Finch,

*Resolved*, That the respective standing committees of this House be, and they are hereby, directed not to make any reports

to the House after Wednesday next, unless by special instruction of the House.

Mr. Almy gave notice that he should, on some future day, ask leave to bring in a bill incorporating a company for the purpose of improving the navigation of Black river, in the county of St. Clair, by constructing a towing path on its banks, &c.

The twenty-first rule being suspended,

Mr. McKeen reported "A bill to provide for the organization of the county of Eaton," which was read the first and second time and laid upon the table.

Mr. Martin presented a petition from Andrew Mack and others, of Wayne county, relative to the Detroit and Pontiac railroad company. Referred to the committee on internal improvement.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the bill entitled "A bill to incorporate the village of White Pigeon."

On motion, adjourned.

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*Monday, March 6.*

The roll being called, the following members were absent: Messrs. Bingham, Ballard, Calkin, Ely, Farrington, Finch, Foote, Howe, Haskins, Levake, Munger, Monfore, McGaffey, McKeen, Shattuck, Thayer, Wisner.

The journal of the previous day having been read, the following petitions and remonstrances were presented and severally referred:

By Mr. Alden,

A petition of Ethrintye and others for an iron company. Referred to the committee on agriculture and manufactures.

By Mr. Lothrop,

A remonstrance of Sylvester Scott and twenty-six others of Clinton county, remonstrating against the removal of the seat of justice of said county. Referred to the committee on the removal of seats of justice.

By the Chair,

A petition of Benjamin Mercer, praying for the establishment

of a penitentiary upon certain principles. Laid upon the table.

By Mr. Shellhouse,

A petition of sundry inhabitants of St. Joseph and Branch counties, for a grant for a certain railroad therein mentioned. Referred to the committee on internal improvement.

Mr. Lothrop, from the committee on banks and incorporations, to which was committed the bill from the Senate entitled "A bill to incorporate the village of Mount Clemens," reported the same to the House without amendment.

Mr. Lee, from the committee on claims, to which was committed the account of Robert Abbott, Auditor General, for incidental expenses, reported the same to the House, and asked to be discharged from the further consideration of the same, and that it be committed to the committee on the judiciary. On motion, said committee were discharged, and the account committed as above.

Also, to whom was committed H. N. Baldwin's bill of expenses and certificate.

Also, the account of the commissioners on militia claims, reported adverse to the same, and moved the petitioners have leave to withdraw the same, which was agreed to.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate entitled "A bill to incorporate the village of Centreville," also the bill entitled "A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money," also the bill entitled "A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes," reported the same to the House without amendment.

Also reported a bill entitled "A bill to amend an act entitled 'An act to regulate taverns,'" which was read the first and second time and laid on the table.

Mr. Lothrop called up the following joint resolution, laid on the table by him on the third instant, relative to adjournment :

*Resolved by the Senate and House of Representatives of the State of Michigan,* That when this legislature adjourns, it will adjourn to meet at the capitol in the city of Detroit, on Tuesday, the ninth day of November next.

*Resolved*, That this resolution be sent to the Senate for its concurrence.

Mr. Lee moved to amend the same, by substituting the following :

*Resolved*, If the Senate concur herein, the legislature will adjourn on the twentieth instant, to meet again at the capitol in the city of Detroit, on the twenty-fifth day of September next.

Mr. Kellogg moved to amend the amendment by striking out the words "twenty-fifth day of September," in the last line, and insert "first Monday of October," in lieu thereof, which was negatived.

Mr. Lee having withdrawn the first branch of the original amendment, the question recurring on the latter branch, it was, on motion of Mr. Lothrop, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Alden,	Mr. Ely,	Mr. Mosely,	
Mr. Bingham,	Mr. Gilbert,	Mr. Purdy,	
Mr. Butler,	Mr. Howe,	Mr. Phillips,	
Mr. Cornell,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Colbath,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Eldred,	Mr. Lee,	Mr. Shellhouse,	18

## NAYS.

Mr. Almy,	Mr. Finch,	Mr. McKeen,	
Mr. Brown,	Mr. Herrington,	Mr. Ralph,	
Mr. Burbank,	Mr. Heath,	Mr. Jos. Smith,	
Mr. Burke,	Mr. King,	Mr. Wing,	
Mr. Ferrington,	Mr. Lothrop,	Mr. Ward,	
Mr. Felch,	Mr. Levake,	Mr. Yerkes,	
Mr. Farrington,	Mr. Martin,	Mr. Speaker,	21

Mr. Ely moved to lay the resolution on the table, which, on motion of Mr. Lothrop, was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Alden,	Mr. Gilbert,	Mr. Mosely,	
Mr. Bingham,	Mr. Howe,	Mr. Purdy,	
Mr. Cornell,	Mr. Kellogg,	Mr. Phillips,	
Mr. Colbath,	Mr. Lee,	Mr. Job Smith,	
Mr. Eldred,	Mr. Levake,	Mr. Shattuck,	
Mr. Ely,	Mr. Martin,	Mr. Speaker,	18

NAYS.

Mr. Almy,	Mr. Finch,	Mr. McKeen,
Mr. Brown,	Mr. Herrington,	Mr. Ralph,
Mr. Burbank,	Mr. Heath,	Mr. Jos. Smith,
Mr. Burke,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Ferrington,	Mr. King,	Mr. Ward,
Mr. Felch,	Mr. Lothrop,	Mr. Yerkes,
Mr. Farrington,		

19

Mr. Felch called for the division of the question on the original motion, which was agreed to. The question being on striking out the words "on Thursday, the ninth day of December," it was decided in the affirmative.

Mr. Felch moved to fill the blank with the words "third day of October."

Mr. Lothrop moved to amend the amendment by inserting "second day of November," which was negatived.

Mr. Lothrop moved to amend the amendment by filling the blank with "sixteenth day of October," which was negatived.

The question recurring on the amendment offered by Mr. Felch, it was concurred in.

Said resolution as amended was adopted.

Mr. Mosely, from former notice given, asked leave to bring in a bill entitled "A bill to incorporate the Owasso canal company." The question being upon granting leave, it was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Mosely,
Mr. Almy,	Mr. Finch,	Mr. Purdy,
Mr. Butler,	Mr. Gilbert,	Mr. Ralph,
Mr. Cornell,	Mr. Herrington,	Mr. Shattuck,
Mr. Colbath,	Mr. Heath,	Mr. Jos. Smith,
Mr. Eldred,	Mr. King,	Mr. Wisner,
Mr. Ely,	Mr. Lee,	Mr. Yerkes,
Mr. Felch,	Mr. Levake,	Mr. Speaker,

24

NAYS.

Mr. Brown,	Mr. Burbank,	Mr. Lothrop,
Mr. Bingham,	Mr. Kellogg,	

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Said bill was read the first and second time and committed to the committee on internal improvement.

The following communication was received from the Executive by Mr. Pritchette, Secretary of State :

*To the House of Representatives :*

I have approved and filed in the office of the Secretary of State, the following acts, viz :

“ An act in relation to the last will and testament of Joseph Salato,” and “ An act authorizing the board of supervisors of the county of Lapeer to loan a certain sum of money.”

STEVENS T. MASON.

*March 6, 1837.*

Mr. Wing, upon leave granted, presented two remonstrances from sundry inhabitants of Wayne county, relative to the extension of Fort street. Laid upon the table.

On motion of Mr. Eldred,

The House resolved itself into a committee of the whole, Mr. Wing in the chair, on the bill entitled “ A bill for the relief of Martin Kundig,” also on the bill from the Senate entitled “ A bill for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter,” also a bill entitled “ A bill to amend an act entitled ‘ An act to provide for the inspection of certain articles therein mentioned,’ ” and after spending some time therein, the committee rose and reported the bill entitled “ A bill for the relief of Martin Kundig” to the House, with an amendment, which was concurred in. Said bill was ordered to be engrossed and read a third time. Also reported the bill entitled “ A bill for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter,” to the House, without amendment.

On motion, said bill was committed to the committee on the judiciary.

Also, reported the bill entitled “ A bill to amend an act entitled ‘ An act to provide for the inspection of certain articles therein mentioned,’ ” to the House, without amendment.

On motion, said bill was laid upon the table and ordered to be read a third time to-morrow.

Mr. Alden, from the committee on enrolment, reported as correctly enrolled the bill entitled “ An act to incorporate the Detroit and Pontiac turnpike company.”

The engrossed bill entitled “ An act to incorporate the Grand rapids bridge company,” was taken up and read a third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :



YEAS.

Mr. Alden,	Mr. Herrington,	Mr. Phillips,
Mr. Almy,	Mr. Howe,	Mr. Ralph,
Mr. Burbank,	Mr. Heath,	Mr. Job Smith,
Mr. Butler,	Mr. Kellogg,	Mr. Shattuck,
Mr. Burke,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Cornell,	Mr. King,	Mr. Shellhouse,
Mr. Colbath,	Mr. Lee,	Mr. Wing,
Mr. Eldred,	Mr. Martin,	Mr. Wisner,
Mr. Ferrington,	Mr. McKeen,	Mr. Ward,
Mr. Farrington,	Mr. Mosely,	Mr. Yerkes,
Mr. Finch,	Mr. Purdy,	Mr. Speaker,
Mr. Gilbert,		

34

NAYS.

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The joint resolution from the Senate entitled "A resolution directing the publication of the laws," was taken up and read a third time.

Mr. Felch moved to recommit said resolution to the committee on printing, with the following instructions:

"With instructions to require the state printer to publish the general laws of the legislature in an extra sheet within ten days from the adjournment of the legislature, and to distribute the same to certain officers in all the counties, and also that the several newspapers named in the resolution, publish the same within weeks, in their respective papers.

Mr. McKeen moved to amend, by striking out all after the word "counties" in the instruction, which was agreed to.

The question recurring on committing said resolution, with instructions as amended, it was agreed to.

The following communication was received from the Senate through their secretary:

Mr. SPEAKER—The Senate have passed a bill entitled "A bill to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes," in which they respectfully ask the concurrence of the House of Representatives.

On motion of Mr. Lothrop, the House resolved itself into a committee of the whole, Mr. Butler in the chair, on the following bills: "A bill to provide for the organization of the county of Eaton;" "A bill relative to incorporations for manufacturing pur-

poses," and after spending some time therein, the committee rose and reported the first named bill to the House with sundry amendments, which were concurred in. Also asked and obtained leave to sit again on the last named bill.

On motion, adjourned.

#### AFTERNOON SESSION.

Mr. Burbank asked and obtained leave of absence for Mr. Yerkes, until Wednesday next.

On motion of Mr. Felch, the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river," was taken up, and he moved to amend the same by inserting the following to stand as a separate section, which was agreed to.

Sec. 7. That whenever, within the time of the continuance of the right under this act, it is impracticable to keep up said ferry at the place hereinbefore mentioned, it shall be lawful for said Norman Nash and Nicholas Ayrault or their assigns, to run the ferry boats between a point one half mile above the mouth of the aforesaid Black river and the light-house at the head of the river St. Clair, and charge for ferriage such sums as are hereinbefore established.

Said bill was ordered to be engrossed and read a third time.

On motion of Mr. Felch,

The House resolved itself into committee of the whole, Mr. Kingsley in the chair, on the bill entitled "A bill to provide for the enlargement of the state library;" also, on the bill from the Senate entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company, approved the 25th August, 1835,'" and after spending some time therein, the committee rose and reported the first named bill to the House with sundry amendments, which were concurred in.

Also reported the last named bill to the House without amendment.

On motion of Mr. Lothrop,

The House took up the bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes."

Also, moved to amend the same by inserting the following to stand as the fifteenth and sixteenth sections :

Sec. 15. If any persons who shall be residing on any common school or university lands at the time of the passage of this act, and shall have made any permanent improvement on the same, shall apply to the Superintendent of Public Instruction to have their improvements appraised ; it shall be the duty of the Superintendent to appoint three disinterested persons as appraisers, who shall receive two dollars per diem for every day actually engaged in making the appraisal, which expense shall be paid by the applicant or applicants.

Sec. 16. It shall be the duty of the appraiser to appraise the improvements at their present cash value, and also to appraise the profits which the occupant or occupants have received from the lands by cultivation or occupation, and deduct the same from the value of the improvements, and the balance, if any, in favor of the occupant, they shall report to the Superintendent of Public Instruction, who shall pay the same so reported by the appraisers, if he shall approve of the report, in one year from the time the reports shall be approved, out of any moneys in school or university funds, as the case may be.

The question being on the adoption of the above amendment, it was negatived.

On motion of Mr. Felch, the twenty-first rule being suspended, the engrossed bill entitled "A bill to provide for the enlargement of the state library," was taken up.

Mr. Ely moved to amend by inserting after the word "Governor" in the second line of the third section the following, which was agreed to: "the President of the Senate and Speaker of the House of Representatives."

Said bill was read a third time and passed.

On motion of Mr. Butler, the engrossed bill entitled "A bill to incorporate the Adrian and Coldwater turnpike road company," was taken up and read a third time.

Mr. Butler, by unanimous consent, moved to amend the sixth section, by inserting the following, which was agreed to. "Provided further, if the said turnpike road intersects the Chicago

road before it reaches the village of Coldwater, that no toll gates shall be established on said Chicago road."

The question being upon the passage of the above bill, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Finch,	Mr. McGaffey,
Mr. Almy,	Mr. Gilbert,	Mr. Purdy,
Mr. Brown,	Mr. Herrington,	Mr. Phillips,
Mr. Burbank,	Mr. Howe,	Mr. Job Smith,
Mr. Butler,	Mr. Heath,	Mr. Shattuck,
Mr. Burke,	Mr. Kellogg,	Mr. Jos. Smith,
Mr. Cornell,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Colbath,	Mr. King,	Mr. Wing,
Mr. Ely,	Mr. Lee,	Mr. Ward,
Mr. Felch,	Mr. Lothrop,	Mr. Speaker,
Mr. Farrington,		

31

## NAYS.

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Mr. Ely, from the committee on internal improvement, by consent, reported the following bills, which were read the first and second time and laid on the table :

"A bill to incorporate the Genesee and Saginaw railroad company."

"A bill to incorporate the Detroit and Shiawassee railroad company."

Mr. Monfore presented a petition for a state road in the county of Macomb. Referred to the committee on roads and bridges.

On motion of Mr. Burbank, the bill entitled "A bill granting to Thomas Palmer, James McClannan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer," was taken up.

Mr. Felch moved to recommit said bill to the committee on roads and bridges, with instructions to have it conform with the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river," which was agreed to.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Mosely in the chair, on the bill from the Senate, entitled "A bill to regulate limited partnerships," and after spending some time

therein, the committee rose and reported the same to the House with an amendment, which was concurred in.

Mr. Job Smith asked and obtained leave of absence for Messrs. Munger and Martin.

Mr. Burbank asked and obtained leave of absence for Mr. Calkin.

The bill from the Senate, entitled "A bill to organize the county of Shiawassee and to attach the county of Clinton to the same for judicial purposes," was taken up and read the first and second time and committed to the committee on the organization of towns and counties ;

Also, the bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads, approved July 26, 1836;'"

Also, the bill entitled "A bill appointing commissioners to lay out and establish certain state roads," were read the first and second time and committed to the committee on roads and bridges.

On motion, adjourned.

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*Tuesday, March 7.*

The roll being called, the following members were absent : Messrs. Ballard, Calkin, Howe, Haskins, Monfore, Ralph, Wisner.

The journal of the previous day having been read, the Chair presented the following communication from the cashier of the Bank of Washtenaw, which was referred, with the accompanying documents, to the committee on banks and incorporations :

BANK OF WASHTENAW, }  
*Ann Arbor, March 3, 1837.* }

SIR—In compliance with a resolution of the honorable the legislature of the state of Michigan, passed on the 14th February last, and received by me on the first instant, I have the honor to transmit to you herewith a statement of the affairs and condition of the bank, duly verified,

And am, with great respect, your obedient servant,

E. J. COBB, *Cashier.*

*Hon. CHARLES W. WHIPPLE, Speaker*  
*of the House of Representatives, Detroit.*

Mr. Kingsley, from the committee on the judiciary, to which was committed the resolution from the Senate, entitled "A resolution requiring the Attorney General to reside at the seat of government," reported the same to the House, without amendment.

Also, to which was committed the bill entitled "A bill authorizing the board of supervisors of the county of Wayne, to make certain allowance to the jailer of said county," with instructions, reported the same with the title so amended as to read, "A bill authorizing the board of supervisors of the several counties of this state, to make certain allowances to the jailers of said counties."

Also, to which was referred a resolution relative to limited partnerships, reported adverse to the object of the resolution, and asked to be discharged from the further consideration of the subject, which report was adopted.

Also, to whom was referred a petition from sundry inhabitants of the city of Detroit, relative to the appointment of an inspector of lumber, reported that they see no cause for legislating upon the subject. Said report was laid upon the table.

Mr. Mosely, from the committee of ways and means, made the following report, which was accepted:

The committee of ways and means, to which was referred the proceedings of a meeting of the citizens of the village of Monroe, praying for the passage of a law to prohibit the importation of ardent spirits into this state, beg leave to

#### REPORT:

That while the committee highly appreciate the motives of the citizens composing said meeting, and are fully persuaded that great benefit would be derived to the public, and private happiness promoted, by the disuse of ardent spirits, they are of opinion that the legislature has no power to pass a law prohibiting their importation into this state; that Congress alone has the power, by the constitution of the United States, to "regulate commerce among the several states;" and your committee are further of opinion, that provided the legislature had the power, it would not be proper to pass a prohibitory act, affecting the whole people of a state, upon the recommendation of a very small portion of its citizens, however respectable.

*Resolved, therefore,* That it is inexpedient for the legislature to pass any law upon the subject.

Mr. Alden, from the committee on education, to which was committed the bill entitled "A bill to incorporate the Michigan institute association," reported that they consider it inexpedient to legislate upon the subject at this time, which report was adopted.

Also, to which was referred a petition of the German inhabitants of Detroit, praying for assistance in educating their numerous children, reported the same to the House, accompanied with the following resolution, which was laid upon the table:

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Treasurer of this state be authorized, and he is hereby required, to pay to the president of the German association, for the use of the school of said association, on the warrant of the Auditor General,        dollars, out of any money in the treasury not otherwise appropriated.

Also, reported a bill entitled "A bill to locate the Michigan university," which was read the first and second time and laid upon the table.

Mr. Lee, from the committee on claims, made the following report:

The committee on claims, to which was referred the report of the commissioners, appointed under the act approved March 28th, 1836, to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes,

#### REPORT:

That they have examined the same, and find the amount due the several persons named in said report, to be \$14,652 40; which sums we conceive ought to be paid; we also find due to the several persons hereinafter named, the following sums:

To Thomas Clark, for provisions furnished the troops,	
not reported by the commissioners,	\$158 15
Mulhollen and Howe,	119 00
P. Bennett & Co.,	25 00
Chester Hunt,	5 00
	<hr/>
Carried forward,	\$307 15

Brought forward,	\$307 15
P. Bennett & Co.,	6 00
John Bradford,	20 00
Clark and Bennett,	5 00
E. A. Hawes & Co.,	4 50
E. A. Hawes & Co.,	1 88
Leander Hill,	10 00
Levi Lewis,	20 00
Lewis Danah,	10 00
Gilbert Palmer,	25 00
H. Gilbert,	2 00
	<hr/>
	\$391 53
Amount allowed by commissioners' report,	14,652 40
	<hr/>
	\$15,043 93
Ordered to be paid on muster roll,	13,615 83
	<hr/>
	\$28,658 76
Appropriated by an act of the legislature, 1836,	15,000 00
	<hr/>
Necessary to pay the demands,	\$13,658 76

Also, reported a bill entitled "A bill to discharge the demands for supporting the supremacy of the laws," which was read the first and second time and laid upon the table.

Mr. McKee, from the committee on the organization of towns and counties, to which was committed the bill from the Senate, entitled "A bill to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes," reported the same to the House with sundry amendments.

The engrossed bill entitled "A bill for the relief of Martin Kundig," being under consideration, was read a third time and passed.

The bill from the Senate, entitled "A bill to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned,'" being under consideration, was read a third time and passed.

The engrossed bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right of keeping and maintaining a



ferry across the St. Clair river," being under consideration, was read a third time.

The question being on its final passage, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Finch,	Mr. Martin,
Mr. Burbank,	Mr. Foote,	Mr. Monfore,
Mr. Butler,	Mr. Gilbert,	Mr. McGaffey,
Mr. Burke,	Mr. Howe,	Mr. Mosely,
Mr. Cornell,	Mr. Heath,	Mr. Purdy,
Mr. Colbath,	Mr. Kellogg,	Mr. Job Smith,
Mr. Eldred,	Mr. Kingsley,	Mr. Shattuck,
Mr. Ely,	Mr. King,	Mr. Wing,
Mr. Felch,	Mr. Lee,	Mr. Ward,
Mr. Farrington,		

28

NAYS.

Mr. Brown,	Mr. Lothrop,	Mr. Jos. Smith,
Mr. Bingham,	Mr. Levake,	Mr. Ralph,
Mr. Ferrington,	Mr. Shellhouse,	Mr. Speaker,
Mr. Herrington,		

10

The bill entitled " A bill to repeal an act entitled ' An act to incorporate the River Raisin and Lake Erie railroad company,'" coming under the special order of the day, was taken up, and, on motion, the House resumed the consideration, in committee of the whole, Mr. Eldred in the chair, of the above named bill, and after spending some time therein, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Bingham,

The House resolved itself into a committee of the whole, Mr. Burbank in the chair, on the bill entitled " A bill to locate the Michigan university," and after spending some time therein, the committee rose and reported the same to the House with amendments, which were concurred in. Said bill was ordered to be engrossed for a third reading.

On motion of Mr. Ward,

The House resolved itself into a committee of the whole, Mr. Alden in the chair, on the following bills: " A bill to amend an act entitled ' An act to incorporate the village of Niles ;'" " A bill to incorporate the Dowagiac hydraulic company ;" and after

spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Ward, the bill entitled "A bill to amend an act entitled 'An act to incorporate the village of Niles,'" was ordered to be engrossed for a third reading.

The bill entitled "A bill to incorporate the Dowagiac hydraulic company," was ordered to be engrossed for a third reading.

The Chair presented the following communication, which, with the accompanying documents, were committed to the committee on banks and incorporations :

EXECUTIVE OFFICE, }  
March 8, 1837. }

*Hon. C. W. WHIPPLE, Speaker, &c.*

SIR—I inclose, to be submitted to the House of Representatives, statements of the condition of the Bank of River Raisin, and of the Bank of Washtenaw, made in obedience to a resolution of the 14th February.

Very respectfully,

Your obedient servant,

STEVENS T. MASON.

On motion of Mr. Alden,

The House resumed the consideration, in committee of the whole, Mr. Butler in the chair, of the bill entitled "A bill relative to incorporations for manufacturing purposes," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill and amendments were laid upon the table.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—The Senate have passed a bill entitled "A bill to incorporate the village of Constantine," in which they respectfully ask the concurrence of the House of Representatives. I am also directed to inform the House of Representatives, that the Senate have unanimously elected John S. Bagg, state printer.

On motion, adjourned.

AFTERNOON SESSION.

On motion of Mr. McGaffey,

The House resolved itself into a committee of the whole, Mr. Bingham in the chair, on the following bills from the Senate :

“ A bill to authorize Nathaniel Odell to convey certain lands ;”

“ A bill to incorporate the village of Mount Clemens ;” and after spending some time therein, the committee rose and reported the same to the House without amendment.

On motion, said bills were laid upon the table.

On motion of Mr. Shellhouse, the bill from the Senate entitled “ A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money,” was taken up and read a third time and passed.

Also, the bill from the Senate entitled “ A bill to incorporate the village of Centreville,” was taken up.

Mr. Ward moved to amend the same by striking out the words, “ and owns or rents a tenement or some part thereof,” in the nineteenth section, which was agreed to.

Said bill having been read a third time, the question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Finch,	Mr. Mosely,
Mr. Almy,	Mr. Foote,	Mr. Purdy,
Mr. Burbank,	Mr. Gilbert,	Mr. Ralph,
Mr. Butler,	Mr. Herrington,	Mr. Shattuck,
Mr. Ballard,	Mr. Howe,	Mr. Jo. Smith,
Mr. Burke,	Mr. Kellogg,	Mr. Shellhouse,
Mr. Cornell,	Mr. Monfore,	Mr. Wisner,
Mr. Colbath,	Mr. McGaffey,	Mr. Ward,
Mr. Eldred,	Mr. McKeen,	Mr. Speaker,
Mr. Farrington,		

28

NAYS.

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The engrossed bill entitled “ A bill amendatory to an act entitled ‘ An act to provide for the assessment and collection of township and county taxes,’ ” having been read a third time, was taken up and passed.

On motion of Mr. Ward, the bill entitled “ A bill to amend an

act entitled 'An act to incorporate the Michigan state bank,' with the amendments, was taken up; he also moved to amend by striking out the third section.

Mr. Burbank moved to amend the amendment by striking out all after the enacting clause.

Mr. Almy moved that the bill lay on the table, which, on motion of Mr. Wisner, was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Bingham,  
Mr. Butler,  
Mr. Burke,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Felch,

Mr. Farrington,  
Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Monfore,

Mr. McGaffey,  
Mr. McKeen,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,

26

## NAYS.

Mr. Burbank,  
Mr. Kellogg,  
Mr. Lothrop,

Mr. Martin,  
Mr. Mosely,  
Mr. Phillips,

Mr. Wisner,  
Mr. Ward,  
Mr. Speaker,

9

Mr. Almy, from the committee on roads and bridges, to which was committed the following bills from the Senate, entitled "A bill to amend 'An act appointing commissioners to lay out and establish certain state roads,' approved July 25th, 1836;" "A bill appointing commissioners to lay out and establish certain state roads," reported the same to the House without amendment.

Also, to which was committed the bill entitled "A bill granting to Thomas Palmer, James McClannan and Daniel Lockwood, the right to keep the ferry across the St. Clair river, at the village of Palmer," reported the same to the House, amended in conformity with the instructions given.

On motion,

The House resolved itself into a committee of the whole, Mr. Howe in the chair, on the following bills from the Senate: "A bill appointing commissioners lay out and establish certain state roads:" "A bill to amend 'An act appointing commissioners to

lay out and establish certain roads,' approved July 25th, 1836 ;" and after spending some time therein, the committee rose and reported that there was no quorum present.

Mr. Alden moved a call of the House, which was agreed to, when the following members were absent : Messrs. Brown, Bingham, Ballard, Calkin, Ely, Ferrington, Felch, Herrington, Haskins, Kellogg, King, Lothrop, Levake, Munger, Ralph, Job Smith, Shattuck, Thayer, Wisner, Ward, Yerkes.

Mr. Alden moved a suspension of the call of the House, which was agreed to.

On motion, adjourned.

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*Wednesday, March 8.*

The roll being called, the following members were absent: Messrs. Almy, Bingham, Calkin, Eldred, Ferrington, Herrington, Howe, Haskins, Kingsley, Levake, Munger, Shattuck, Jos. Smith, Thayer.

The journal of the previous day having been read, Mr. Lothrop, from the committee on banks and incorporations, reported a bill entitled " A bill to prohibit the banks of this state from issuing notes of a less denomination than five dollars, and for other purposes," which was read the first and second time, and committed to committee of the whole, and the printing dispensed with.

Also, reported a bill entitled " A bill regulating proceedings against corporations in equity," which was read the first and second time and committed to a committee of the whole, and ordered to be printed.

Mr. Kingsley, from the committee on the judiciary, reported a bill entitled " A bill declaring a part of St. Joseph and Coldwater rivers public highways," which was read a first and second time and laid upon the table.

Mr. Felch, from the select committee to which was committed the bill entitled " A bill for the relief of John Goodrich," reported the same to the House with amendments.

Mr. Ward, from the committee on the removal of seats of justice, made the following report :

The committee on the removal of seats of justice, to which was referred a petition of inhabitants of the county of Clinton, praying for the removal of the county seat of said county,

### REPORT.

Clinton county contains less than one thousand inhabitants, and from the strong expressions manifested by this House, against the removal of seats of justice of any county with a population less than from three to five thousand, your committee deemed it inexpedient to legislate upon the prayer of the petitioners; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the committee on the removal of seats of justice be discharged from the further consideration of the petition of inhabitants of Clinton county, praying for the removal of the seat of justice of said county.

On motion, the resolution accompanying the report was adopted.

Mr. Wing, from the committee on the judiciary, to which was committed the bill entitled "A bill to authorize the draining of certain lands," reported the same to the House with sundry amendments.

On motion, said bill and amendments were ordered to be printed.

Also, reported a bill entitled "A bill to amend an act entitled 'An act concerning mortgages,'" which was read a first and second time and laid on the table.

Mr. Farrington, from the committee on the equalization of taxes, reported a bill entitled "An act to amend an act entitled 'An act to regulate highways,'" which was read a first and second time and committed to the committee of the whole.

On motion of Mr. Purdy,

*Resolved,* That the committee of ways and means be instructed to inquire into and report to this House their opinion upon the best mode of disposing of the surplus fund and five per cent. proceeds from the sale of the public lands.

Mr. Ely gave notice that he should, on some future day, ask leave to introduce a bill authorizing the board of supervisors of the respective counties of this state to borrow money to be applied to the erection of county buildings.

Mr. McKeen gave notice that he should, on a future day, ask leave to introduce a bill to amend an act entitled "An act to incorporate the St. Clair and Romeo railroad company;" also, a bill to incorporate "The Sharon and Lapeer railroad company."

Mr. Job Smith gave notice that he should, on some future day, ask leave to bring in a bill to incorporate "The Mount Pleasant steam mill company, county of Wayne, with a capital of twenty-five thousand dollars, with the privilege of increasing the same to fifty thousand."

Mr. Mosely asked and obtained leave of absence for Mr. Almy.

On motion,

The House resolved itself into a committee of the whole, Mr. Ward in the chair, on the following bills:

"An act to amend an act entitled 'An act to regulate highways.'"

"A bill to prohibit the banks of this state from issuing bank notes of a less denomination than five dollars, and for other purposes;" and after spending some time therein, the committee rose and reported the first named bill to the House without amendment. Said bill was ordered to be engrossed for a third reading; also, reported progress on the last named bill, and asked and obtained leave to sit again.

The following communication was received from the Executive by Mr. Pritchette, Secretary of State:

*To the House of Representatives:*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz:

"An act entitled 'An act to incorporate the village of White Pigeon;'"

"An act to incorporate the Detroit and Pontiac turnpike company."

STEVENS T. MASON.

*Detroit, March 8, 1837.*

The engrossed bill entitled "A bill to incorporate the Dowagiac hydraulic company," being under consideration, was read a third time.

The question being on its final passage, it was decided by yeas and nays, as follows :

## YEAS.

Mr. Alden,	Mr. Finch,	Mr. McGaffey,
Mr. Bingham,	Mr. Foote,	Mr. McKeen,
Mr. Burbank,	Mr. Gilbert,	Mr. Mosely,
Mr. Ballard,	Mr. Herrington,	Mr. Purdy,
Mr. Burke,	Mr. Kellogg,	Mr. Job Smith,
Mr. Cornell,	Mr. Kingsley,	Mr. Shattuck,
Mr. Colbath,	Mr. King,	Mr. Jos. Smith,
Mr. Eldred,	Mr. Lee,	Mr. Shellhouse,
Mr. Ely,	Mr. Lothrop,	Mr. Wing,
Mr. Felch,	Mr. Monfore,	Mr. Ward,
Mr. Farrington,		

31

## NAYS.

Mr. Phillips,

1

The engrossed bill entitled "A bill to amend an act entitled 'An act to incorporate the village of Niles,' " being under consideration, was read a third time.

The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Gilbert,	Mr. McKeen,
Mr. Burbank,	Mr. Herrington,	Mr. Mosely,
Mr. Butler,	Mr. Heath,	Mr. Purdy,
Mr. Ballard,	Mr. Kellogg,	Mr. Phillips,
Mr. Burke,	Mr. Kingsley,	Mr. Job Smith,
Mr. Colbath,	Mr. King,	Mr. Shattuck,
Mr. Eldred,	Mr. Lee,	Mr. Jos. Smith,
Mr. Ely,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Farrington,	Mr. Martin,	Mr. Wing,
Mr. Finch,	Mr. Monfore,	Mr. Ward,
Mr. Foote,	Mr. McGaffey,	

32

## NAYS.

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The engrossed bill entitled "A bill to locate the university of Michigan," was taken up for its third reading. Mr. McKeen moved to reconsider the vote taken on the order for the engrossment and a third reading of the above bill, which was agreed to.

Mr. Ward moved to reconsider the vote taken on the amendments made in committee of the whole, which was agreed to. On motion of Mr. Alden, said bill was laid upon the table. On mo-



tion of Mr. Finch, the joint resolution from the Senate, entitled "A resolution requiring the Attorney General to reside at the seat of government," was taken up for consideration.

Mr. McKeen moved to amend the same by striking out all after the enacting clause.

Mr. Lee moved to amend the amendment by inserting the following: "to reside at the seat of government during the session of the legislature," which was negatived.

The question recurring on the amendment offered by Mr. McKeen, it was, on motion of Mr. Wisner, decided by yeas and nays in the negative, as follows:

YEAS.

Mr. Colbath,	Mr. Lee,	Mr. Mosely,	
Mr. Finch,	Mr. Monfore,	Mr. Phillips,	
Mr. Heath,	Mr. McKeen,	Mr. Ward,	9

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. McGaffey,	
Mr. Bingham,	Mr. Foote,	Mr. Purdy,	
Mr. Burbank,	Mr. Gilbert,	Mr. Ralph,	
Mr. Butler,	Mr. Herrington,	Mr. Job Smith,	
Mr. Ballard,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Burke,	Mr. Kingsley,	Mr. Jos. Smith,	
Mr. Cornell,	Mr. King,	Mr. Shellhouse,	
Mr. Eldred,	Mr. Lothrop,	Mr. Wing,	
Mr. Ely,	Mr. Martin,	Mr. Ward,	
Mr. Felch,			28

Mr. Burbank moved that the resolution be laid upon the table, which was negatived.

The question being upon concurring in the resolution, it was, on motion of Mr. Monfore, decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Foote,	Mr. McGaffey,	
Mr. Bingham,	Mr. Gilbert,	Mr. Parly,	
Mr. Butler,	Mr. Herrington,	Mr. Ralph,	
Mr. Ballard,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Burke,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Cornell,	Mr. King,	Mr. Jos. Smith,	
Mr. Eldred,	Mr. Lee,	Mr. Shellhouse,	
Mr. Ely,	Mr. Lothrop,	Mr. Wing,	
Mr. Felch,	Mr. Martin,	Mr. Ward,	
Mr. Farrington,			28

## NAYS.

Mr. Colbath,  
Mr. Finch,  
Mr. Heath,

Mr. Monfore,  
Mr. Mosely,

Mr. Phillips,  
Mr. Wisner,

7

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—I am directed by the Senate to transmit to the House of Representatives, the enclosed resolution, which has passed the Senate, relative to a suspension of the eighth joint rule, in which they respectfully ask the concurrence of the House.

The joint resolution from the Senate, entitled "A resolution relative to the suspension of the eighth rule," was taken up. The question being upon concurring, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,  
Mr. Farrington,

Mr. Finch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Martin,

Mr. Monfore,  
Mr. McGaffey,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,

33

## NAYS.

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On motion of Mr. Felch, the bill from the Senate entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,' approved the 25th August, 1835," was taken up and read a third time. The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,

Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Heath,  
Mr. Kellogg,  
Mr. King,

Mr. McKeen,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,

Mr. Ely,	Mr. Lothrop,	Mr. Wisner,	
Mr. Felch,	Mr. Monfore,	Mr. Ward,	
Mr. Finch,	Mr. McGaffey,		26

NAYS.

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On motion of Mr. Monfore,

The bill entitled "A bill granting Thomas Palmer, James McClannan, and Daniel Lockwood, the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer," was taken up for consideration.

Mr. Jos. Smith moved to amend the fourth section by striking out all from the commencement of the thirteenth to the end of the nineteenth line, which was negatived. Also, moved further to amend by striking out the words "two thirds" in the sixth section, second line, which was negatived.

The question being upon the engrossment and third reading of the bill, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Foote,	Mr. McGaffey,	
Mr. Burbank,	Mr. Gilbert,	Mr. McKeen,	
Mr. Butler,	Mr. Herrington,	Mr. Mosely,	
Mr. Ballard,	Mr. Heath,	Mr. Purdy,	
Mr. Burke,	Mr. Kellogg,	Mr. Ralph,	
Mr. Cornell,	Mr. Kingsley,	Mr. Job Smith,	
Mr. Ely,	Mr. King,	Mr. Shattuck,	
Mr. Felch,	Mr. Martin,	Mr. Wing,	
Mr. Farrington,	Mr. Monfore,	Mr. Wisner,	
Mr. Finch,			28

NAYS.

Mr. Bingham,	Mr. Lothrop,	Mr. Jos. Smith,	
Mr. Lee,	Mr. Phillips,	Mr. Shellhouse,	6

On motion, adjourned.

#### AFTERNOON SESSION.

Mr. Butler asked and obtained leave of absence for Mr. Finch, for an indefinite time.

On motion of Mr. Monfore,

The bill from the Senate entitled "A bill to incorporate the village of Mount Clemens," was taken up and read a third time.

The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Burbank,	Mr. Gilbert,	Mr. Mosely,
Mr. Butler,	Mr. Herrington,	Mr. Purdy,
Mr. Ballard,	Mr. Heath,	Mr. Phillips,
Mr. Burke,	Mr. Kellogg,	Mr. Ralph,
Mr. Cornell,	Mr. Kingsley,	Mr. Job Smith,
Mr. Colbath,	Mr. King,	Mr. Shattuck,
Mr. Ferrington,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Felch,	Mr. Martin,	Mr. Wing,
Mr. Farrington,	Mr. Monfore,	Mr. Wisner,
Mr. Finch,	Mr. McGaffey,	Mr. Ward,
Mr. Foote,		

31

## NAYS.

0

On motion of Mr. McKeen,

The bill from the Senate entitled "A bill to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes," with sundry amendments, reported by the committee on the organization of towns and counties, was taken up and the amendments concurred in; the twenty-second rule being suspended, said bill having been read a third time, passed.

The engrossed bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," being under consideration, was read a third time.

Mr. Ward moved to amend, by filling the blank in the seventeenth section with "five hundred thousand dollars."

Mr. Felch moved to insert "three millions of dollars."

Mr. Burbank moved to recommit said bill to the committee on education, with instructions.

On motion of Mr. Ward, said bill was laid upon the table.

On motion of Mr. McKeen, the bill from the Senate entitled, "A bill to organize certain townships," was taken up.

On motion, the bill originating in the House was incorporated as an amendment in the bill originating in the Senate.

On motion, the amendments to said bill were ordered to be engrossed.

The following communication was received from the Senate through their secretary:

**Mr. SPEAKER**—The Senate have passed bills entitled as follows: “A bill to incorporate the Bank of the commonwealth of Michigan,” and “A bill to incorporate the village of Tecumseh.” I also herewith return to the House of Representatives, where they originated, a bill entitled “A bill to organize and regulate banking associations:” and a bill entitled “A bill to amend an act entitled, ‘An act to vacate the present seat of justice of Berrien county, and to establish the same at the village of Berrien, in said county,’” with amendments; in which bills and amendments, the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Shellhouse,

The House resolved itself into a committee of the whole, Mr. Howe in the chair, on the bill entitled “A bill authorizing the board of supervisors of the several counties of this state, to make certain allowances to the jailers of said counties;” and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill was ordered to be engrossed for a third reading.

Mr. Mosely moved that the House adjourn, which was negatived.

On motion of Mr. Finch, the bill entitled, “A bill to organize and regulate banking associations,” with sundry amendments made thereto by the Senate, was taken up and concurred in.

Mr. McGaffey moved that the bill be laid upon the table, which was negatived.

Mr. McKeen moved that the bill be laid on the table, which was agreed to.

The following bills from the Senate were taken up and read the first and second time, and committed to the committee on banks and incorporations:

“A bill to incorporate the village of Constantine.”

“A bill to incorporate the village of Tecumseh.”

“A bill to incorporate the Bank of the commonwealth of Michigan.”

On motion of Mr. Ely, the following bills were made the special order of the day for to-morrow.

“A bill to incorporate the Genesee and Saginaw railroad company.”

“A bill to incorporate the Detroit and Shiawassee railroad company.”

“A bill to incorporate the Ypsilanti and Manchester railroad company.”

On motion, adjourned.

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*Thursday, March 9.*

The roll being called, the following members were absent: Messrs. Calkin, Eldred, Felch, Haskins, Levake, Munger, Martin, Thayer, Wisner.

The journal of the previous day having been read,

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate entitled “A bill for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter,” reported the same to the House without amendment.

Mr. Lothrop, from the committee on banks and incorporations, to which was committed the bill from the Senate entitled “A bill to incorporate the village of Constantine,” reported the same to the House without amendment.

Also, to which was committed the bill from the Senate entitled “A bill to incorporate the village of Tecumseh,” reported the same to the House with an amendment, which was concurred in.

Mr. McKeen, from former notice given, asked and obtained leave to bring in bill entitled “A bill to incorporate the Huron and Lapeer railroad company,” which was read the first and second time and laid upon the table.

Mr. Monfore, from former notice given, asked and obtained leave to bring in a bill entitled “A bill supplementary to an act entitled ‘An act to incorporate the St. Clair and Romeo railroad company,’ ” which was read the first and second time and laid upon the table.

On motion of Mr. Lothrop, the two last named bills were committed to the committee on internal improvement.

The special order of the day was taken up, and on motion, again laid upon the table.

On motion of Mr. Lothrop, the bill from the Senate entitled "A bill to incorporate the village of Constantine," was taken up and considered as in committee of the whole.

Said bill having been read a third time, the question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Herrington,	Mr. Mosely,
Mr. Brown,	Mr. Howe,	Mr. Purdy,
Mr. Burbank,	Mr. Kellogg,	Mr. Phillips,
Mr. Butler,	Mr. King,	Mr. Ralph,
Mr. Ballard,	Mr. Lee,	Mr. Shattuck,
Mr. Burke,	Mr. Lothrop,	Mr. Jos. Smith,
Mr. Colbath,	Mr. Levake,	Mr. Shellhouse,
Mr. Felch,	Mr. Martin,	Mr. Wing,
Mr. Farrington,	Mr. Monfore,	Mr. Wisner,
Mr. Finch,	Mr. McGaffey,	Mr. Ward,
Mr. Foote,	Mr. McKeen,	Mr. Speaker,
Mr. Gilbert,		

34

NAYS.

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Also, the bill from the Senate entitled "A bill to incorporate the village of Tecumseh," was taken up and considered as in committee of the whole.

Said bill having been read a third time, the question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Herrington,	Mr. McGaffey,
Mr. Brown,	Mr. Howe,	Mr. McKeen,
Mr. Bingham,	Mr. Heath,	Mr. Mosely,
Mr. Burbank,	Mr. Kellogg,	Mr. Ralph,
Mr. Butler,	Mr. King,	Mr. Shattuck,
Mr. Ballard,	Mr. Lee,	Mr. Jos. Smith,
Mr. Burke,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Colbath,	Mr. Levake,	Mr. Wisner,
Mr. Farrington,	Mr. Martin,	Mr. Ward,
Mr. Finch,	Mr. Monfore,	Mr. Speaker,
Mr. Gilbert,		

31

## NAYS.

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On motion of Mr. Shellhouse,

The House resumed the consideration, in committee of the whole, Mr. Howe in the chair, of the bill from the Senate, entitled "A bill appointing commissioners to lay out and establish certain state roads," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Alden, said bill was recommitted to the committee on roads and bridges, with instructions to incorporate with it by way of amendment, the bill originated in the House of Representatives, entitled "A bill to lay out and establish certain state roads."

On motion of Mr. McGaffey, the bill from the Senate entitled "A bill to authorize Nathaniel Odell to convey certain lands," was taken up for consideration, and read a third time and passed.

On motion of Mr. Ely, the bill entitled "A bill authorizing the building of certain dams therein named," was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Finch, the bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," was taken up.

Mr. Ward asked for the unanimous consent of the House for the purpose of offering the following amendment :

Sec. 13. It shall be the duty of the Superintendent, on the first Monday of every month, to deposite all moneys remaining in his hands on account of the university or school funds, in the deposite bank of this state, and take the receipt of the cashier thereof for the same : And at the same time he shall transmit to the Secretary of State, an account of the lands sold, and the names of the persons purchasing the same. The moneys so deposited may be loaned to such counties of this state as may apply for a portion thereof ; but no loan to any one county shall exceed the sum of fifteen thousand dollars, or for a term of time less than ten years, and that no loan shall be made to any county unless the faith of the same shall be pledged to pay the interest annually, and the principal whenever called for after ten years : And it is further



provided, that should a balance of said money remain after supplying all counties which may apply for the same, the Superintendent is hereby authorized to loan the same to individuals on bond and mortgage on unincumbered lands, valued in double the amount of the moneys loaned : Provided always, That no moneys shall be drawn from such deposite bank by the said department until the securities hereinbefore required by this act shall be deposited with the cashier of said bank, to be transmitted by him to the Secretary of State.

Objections being made to the amendment, on motion, said bill was laid upon the table.

On motion of Mr. Finch,

The House resumed the consideration, in committee of the whole, Mr. Ward in the chair, of the bill entitled "A bill to incorporate the Michigan college," also included the bill entitled "A bill to amend an act entitled 'An act concerning mortgages,' " and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

On motion, said bills were ordered to be engrossed for a third reading.

On motion of Mr. McGaffey, the bill entitled "A bill declaring a part of the St. Joseph and Coldwater rivers public highways," was taken up and considered as in committee of the whole.

On motion, said bill, having been read a third time, was passed.

On motion of Mr. Kingsley, the bill entitled "A bill relative to incorporations for manufacturing purposes," was taken up for consideration.

Also, moved to amend the same by striking out the words "manufacturing of lumber in all its branches," in the third line of the first section, which, on motion of Mr. Ward, was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Bingham,	Mr. Kellogg,	Mr. McGaffey,
Mr. Burbank,	Mr. Kingsley,	Mr. Mosely,
Mr. Gilbert,	Mr. Lee,	Mr. Purdy,
Mr. Herrington,	Mr. Lothrop,	Mr. Ralph,
Mr. Howe,	Mr. Martin,	Mr. Shellhouse,

## NAYS.

Mr. Butler,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Felch,  
Mr. Farrington,

Mr. Finch,  
Mr. Foote,  
Mr. Job Smith,  
Mr. Shattuck,

Mr. Jos. Smith,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,

13

On motion, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Burbank, the bill entitled "A bill to amend an act entitled 'An act to regulate taverns,'" was taken up and considered as in committee of the whole, and after a consideration of sundry amendments, was again laid upon the table.

On motion of Mr. Ward, the bill entitled "A bill to amend an act entitled 'An act to create a fund for the benefit of certain moneyed corporations, and for other purposes,'" was taken up and considered as in committee of the whole, and on motion, said bill was again laid upon the table.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I here. with return to the House of Representatives, where it originated, the bill entitled "A bill to establish the seat of justice of Branch county," with an amendment, in which the concurrence of the House is respectfully requested.

On motion of Mr. Finch, the joint resolution relative to loaning \$20,000 was taken up.

The Speaker (Mr. Lothrop being in the chair) moved to commit the resolution to a select committee, with instructions to make the same conform to the resolution heretofore passed by the House, loaning \$25,000 to the Detroit and St. Joseph railroad company, which was agreed to.

The Chair announced the following as said committee : Messrs. Finch, Ward and Brown.

Mr. Kingsley moved that the House adjourn, which was negatived.

On motion of Mr. Ward, the bill entitled "A bill to amend an act entitled 'An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Ber-

rien, in said county," with an amendment made thereto by the Senate, was taken up and concurred in.

Said bill as amended passed.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill entitled "A bill to provide for the election of state officers," reported the same to the House, with sundry amendments.

Mr. McKeen moved to amend said bill by striking out all after the enacting clause.

Mr. Monfore moved as an amendment to the amendment, to recommit said bill with instructions, which was negatived.

The question recurring on the amendment offered by Mr. McKeen, it was negatived.

On motion, the amendments as reported by the committee on the judiciary, were concurred in.

On motion, said bill was ordered to be engrossed for a third reading.

On motion, adjourned.

#### AFTERNOON SESSION.

The Chair presented the following communication, which, with the accompanying documents, were committed to the committee on banks and incorporations :

EXECUTIVE OFFICE, }  
March 9, 1837. }

SIR—I have the honor to submit to the House of Representatives a statement of the condition of the bank of Tecumseh.

Very respectfully,

Your obedient servant,

STEVENS T. MASON.

*Hon. CHAS. W. WHIPPLE, Speaker, &c.*

On motion of Mr. Ward, the bill entitled "A bill to organize and regulate banking associations," having been read a third time, was taken up for its passage.

The question being on the final passage of said bill as amended, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Ely,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,

Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Martin,  
Mr. Monfore,  
Mr. McGaffey,

Mr. McKeen,  
Mr. Mosely,  
Mr. Phillips,  
Mr. Ralph,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,

34

## NAYS.

Mr. Felch,  
Mr. King,

Mr. Purdy,

Mr. Speaker,

4

On motion of Mr. Bingham,

The House resolved itself into a committee of the whole, Mr. Felch in the chair, on the following bills :

“ A bill to incorporate the Detroit and Shiawassee railroad company.”

“ A bill to incorporate the Saginaw and Genesee railroad company.”

“ A bill to incorporate the Ypsilanti and Manchester railroad company,” and after spending some time therein, the committee rose and reported the said bills to the House, with sundry amendments, which were concurred in.

On motion, said bills were laid upon the table.

On motion, adjourned.

*Friday, March 10.*

The roll being called, the following members were absent : Messrs. Brown, Ballard, Burke, Calkin, Felch, Howe, Lee, Levake, Munger, Martin, McKeen, Mosely, Purdy.

The journal of the previous day having been read,-

Mr. Yerkes presented a petition from the board of supervisors of Oakland county, praying for the passage of a law authorizing said board to make a loan of a certain sum of money to construct

public buildings in said county. Referred to the committee on the judiciary.

Also, a petition from the board of supervisors of Oakland county, praying for the amendment of a certain act therein named. Referred as above.

Mr. Thayer asked and obtained leave for the committee on internal improvement to bring in a bill entitled "A bill to incorporate the Detroit and Clinton river canal company," which was read the first and second time and laid on the table.

Mr. Ely, from former notice given, asked and obtained leave to bring in a bill entitled "A bill authorizing the board of supervisors of any organized county in this state, to borrow money for the erection of county buildings," which was read the first and second time and committed to the committee on the judiciary.

Mr. Alden called up the resolution laid on the table by him on the 8th instant, relative to authorizing the Treasurer to advance money for certain purposes therein named, which after being read was, on motion, laid on the table.

Mr. Jos. Smith laid on the table the following resolution :

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the state printer be, and he is hereby, authorized to publish with the general laws passed at the present session of the legislature, an act to provide for the election of a delegate to the Congress of the United States, approved April 12, 1827, and the act amendatory thereto, approved July 3d, 1828.

The engrossed bill entitled "A bill granting to Thomas Palmer, James McClannan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river at the village of Palmer," being under consideration, was read a third time ; the question being on its final passage, it was, on motion of Mr. Bingham decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Alden,	Mr. Foote,	Mr. Monfore,
Mr. Burbank,	Mr. Gilbert,	Mr. McGaffey,
Mr. Butler,	Mr. Herrington,	Mr. Mosely,
Mr. Ballard,	Mr. Haskins,	Mr. Purdy,
Mr. Burke,	Mr. Heath,	Mr. Shellhouse,
Mr. Colbath,	Mr. Kellogg,	Mr. Thayer,

Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,

Mr. Kingsley,  
Mr. King,  
Mr. Lec,

Mr. Wing,  
Mr. Wisner,  
Mr. Yerkes,

28

## NAYS.

Mr. Brown,  
Mr. Bingham,  
Mr. Farrington,  
Mr. Howe,

Mr. Lothrop,  
Mr. Levake,  
Mr. Phillips,  
Mr. Purdy,

Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Ward,  
Mr. Speaker,

12

Mr. Burbank gave notice that on some future day he should ask leave to bring in a bill to incorporate a company to construct a canal from the city of Detroit to some point on the Clinton river, in the county of Macomb, from thence a canal or slack water navigation to the mouth of Paint creek, in the county of Oakland.

Mr. Wisner moved that the motion for reconsideration on the adoption of the resolution relative to adjournment, laid on the table, be taken up for consideration, which was negatived.

The engrossed bill entitled "A bill authorizing the building certain dams therein named," being under consideration, was read a third time.

On motion of Mr. Burbank, said bill was committed to the committee on internal improvement, with instructions to incorporate in the bill the reservation to the state of a right to use the waters of the rivers mentioned in the act, and a section reserving to the legislature power to alter, amend or repeal the act.

The engrossed bill entitled "A bill to provide for the election of state officers," being under consideration, was read a third time and passed.

The engrossed bill entitled "A bill to incorporate the Michigan College," being under consideration, was read a third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Bingham,  
Mr. Burbank,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,

Mr. Gilbert,  
Mr. Herrington,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Martin,  
Mr. Monfore,

Mr. McGaffey,  
Mr. Purdy,  
Mr. Shattuck,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,

21

NAYS.

Mr. Alden,	Mr. Howe,	Mr. McKeen,
Mr. Butler,	Mr. Haskins,	Mr. Ralph,
Mr. Burke,	Mr. Lothrop,	Mr. Jos. Smith,
Mr. Colbath,	Mr. Levake,	Mr. Shellhouse,
Mr. Felch,		

13

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, where it originated, the bill entitled “A bill to incorporate the village of Pontiac,” with sundry amendments made thereto by the Senate, in which the concurrence of the House is respectfully requested.

The engrossed bill entitled “A bill relative to incorporations for manufacturing purposes,” being under consideration, was read a third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Gilbert,	Mr. Monfore,
Mr. Bingham,	Mr. Herrington,	Mr. McGaffey,
Mr. Burbank,	Mr. Howe,	Mr. Purdy,
Mr. Butler,	Mr. Haskins,	Mr. Ralph,
Mr. Cornell,	Mr. Kellogg,	Mr. Jos. Smith,
Mr. Colbath,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Eldred,	Mr. King,	Mr. Wing,
Mr. Felch,	Mr. Lee,	Mr. Wisner,
Mr. Farrington,	Mr. Lothrop,	Mr. Ward,
Mr. Finch,	Mr. Levake,	Mr. Yerkes,
Mr. Foote,	Mr. Martin,	

82

NAYS.

Mr. McKeen,	Mr. Speaker,	2
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The bill from the Senate entitled “A bill to organize certain townships,” being under consideration, was read a third time and passed.

The engrossed bill entitled “A bill authorizing the board of supervisors of the several counties in this state to make certain allowances to the jailers of said counties,” being under consideration, was read a third time and passed.

The engrossed bill entitled “A bill to amend an act entitled

‘ An act concerning mortgages,’ ” being under consideration, was read a third time and passed.

The bill entitled “ A bill to incorporate the village of Pontiac,” with sundry amendments made thereto by the Senate, was taken up and concurred in.

The Speaker (Mr. Lothrop in the chair,) moved further to amend the nineteenth section of said bill, by striking out the words “ one year,” and insert “ six months” in lieu thereof, which was agreed to.

Said bill, as amended, passed.

On motion of Mr. Lee,

The House took up the bill entitled “ A bill to discharge the demands for supporting the supremacy of the laws,” and considered the same as in committee of the whole, and after the consideration of sundry amendments, said bill was recommitted to the committee on claims.

On motion of Mr. Finch, the bill from the Senate entitled “ A bill to furnish each organized county with a complete set of weights and measures,” was taken up and considered as in committee of the whole.

Said bill having been read a third time, passed.

Also, the bill from the Senate entitled “ A bill to amend an act entitled ‘ An act appointing commissioners to lay out and establish certain state roads,’ ” being under consideration, was read a third time and passed.

Also, the bill from the Senate entitled “ A bill to repeal an act entitled ‘ An act to provide for establishing seats of justice,’ ” being under consideration, was read a third time and passed.

Also, the bill from the Senate entitled “ A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes,” being under consideration, was read a third time and passed.

On motion, adjourned.

#### AFTERNOON SESSION.

The engrossed bill entitled “ A bill to provide for the disposition of the university and primary school lands,” was taken up for its passage.

Mr. Ward, by unanimous consent, moved to amend the same



by substituting the following, to stand as the thirteenth section, which was agreed to :

Sec. 13. It shall be the duty of the Superintendent, on the first Monday of every month, to deposit all moneys remaining in his hands on account of the university or school funds, in the deposit bank of this state, and take the receipt of the cashier thereof for the same : And at the same time he shall transmit to the Secretary of State, an account of the lands sold, and the names of the persons purchasing the same. The moneys so deposited shall be loaned to such counties of this state as may apply for a portion thereof ; but no loan to any one county shall exceed the sum of fifteen thousand dollars, or for a term of time less than ten years, and that no loan shall be made to any county, unless the faith of the same shall be pledged to pay the interest annually, and the principal whenever called for after ten years : And it is further provided, that should a balance of said moneys remain after supplying all counties which may apply for the same, the Superintendent is hereby authorized to loan the same to individuals, on bond and mortgage, on unincumbered lands, valued in double the amount of the money so loaned : Provided always, That no moneys shall be drawn from such deposit bank by the said Superintendent, until the securities hereinbefore required by this act shall be deposited with the cashier of said bank, to be transmitted by him to the Secretary of State.

Also, moved to amend by filling the blank in the seventeenth section with the words " five hundred thousand," which was negatived.

Mr. Lothrop moved to amend, by inserting " one hundred thousand," which was agreed to.

Mr. Eldred moved further to amend by inserting in the thirteenth section the words " exclusive of buildings thereon," which was agreed to.

Mr. Felch moved to amend by inserting the words " and at all other times when he shall have fifty thousand dollars in his hands," which was agreed to.

On motion, said bill passed.

The bill from the Senate entitled " A bill to lay out a state road from Ypsilanti to Ridgeway," being under consideration, was read a third time and passed.

Mr. Burbank, from the committee on roads and bridges, to which was committed the bill from the Senate entitled "A bill appointing commissioners to lay out and establish certain state roads;" also, the bill originating in the House entitled "A bill appointing commissioners to lay out and establish certain state roads," reported the same to the House as amended, with the bill originating in the House incorporated in the bill originating in the Senate, according to instructions.

On motion, said bill was laid upon the table.

Mr. Lee, from the committee on claims, to which was committed the bill entitled "A bill to discharge the demands for supporting the supremacy of the laws," reported the same to the House with sundry amendments, which were concurred in.

Said bill was ordered to be engrossed and read a third time.

The engrossed bill as above, being under consideration, was read a third time and passed.

The bill from the Senate entitled "A bill to authorize and regulate limited partnerships," being under consideration, was read a third time and passed.

The bill from the Senate entitled "A bill to organize the counties of Ionia and Van Buren," being under consideration, was read a third time and passed.

The bill entitled "A bill to provide for the organization of the county of Eaton," being under consideration, was read a third time and passed.

The bill entitled "A bill to amend an act entitled 'An act to regulate taverns,' " with sundry amendments, reported by a committee of the whole, was taken up and the amendments were concurred in.

On motion, said bill was ordered to be engrossed for a third reading.

The bill entitled "A bill for the relief of John Goodrich," being under consideration, was read a third time and passed.

On motion of Mr. Finch, the bill entitled "A bill to authorize the draining of certain lands," with sundry amendments, reported by the committee on the judiciary, was taken up and the amendments concurred in.

On motion, said bill was laid upon the table.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—The Senate has passed a bill entitled “ A bill relative to the duties of sheriffs and jailers in certain cases,” in which the concurrence of the House of Representatives is respectfully requested.

On motion,

The House resolved itself into a committee of the whole, Mr. Shattuck in the chair, on the bill entitled “ A bill regulating proceedings against corporations in equity,” and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill was laid upon the table.

Mr. Felch, by unanimous consent, reported a bill entitled “ A bill to provide for resignations, vacancies and removals from office,” which was read the first and second time, and committed to the committee on the judiciary.

Also, on motion, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled “ A bill to provide for the renewal of sheriffs’ bonds,” which was read the first and second time ; and, on motion,

The House resolved itself into a committee of the whole, Mr. Wing in the chair, on the above named bill, and after spending some time therein, the committee rose and reported the same to the House without amendment.

On motion, said bill was ordered to be engrossed for a third reading.

Mr. Felch asked and obtained leave of absence for Mr. Farrington, for an indefinite period.

Mr. Cornell asked and obtained leave of absence for Mr. Brown.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the bill entitled “ An act to amend an act entitled ‘ An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county.’ ”

On motion, adjourned.

*Saturday, March 11.*

The roll being called, the following members were absent: Messrs. Almy, Calkin, Eldred, Levake, Monfore, Phillips, Jos. Smith, Thayer.

The journal of the previous day having been read, Mr. Ely presented a petition from Joseph J. Ehles and others, in Calhoun county, for an alteration in the highway laws. Referred to the committee on roads and bridges.

Mr. McKeen presented a remonstrance from sundry inhabitants of Genesee county, against the passage of a law authorizing the board of supervisors to loan money or levy a tax for the erection of county buildings. Laid on the table.

Mr. Finch, from the select committee, made the following

#### REPORT:

The select committee, to which was referred a joint resolution to authorize a loan of twenty thousand dollars to the Erie and Kalamazoo railroad company, with instructions to amend it so as to conform with a joint resolution authorizing a loan to the Detroit and St. Joseph railroad company, have instructed me, as their chairman, to report the same back to the House as amended.

Mr. Mosely, from the committee of ways and means, to which was referred the resolution of the House of Representatives, to inquire into, and report their opinion upon, the best mode of disposing of the surplus revenue and five per centum proceeds of the sale of public lands, made the following

#### REPORT:

That your committee are well aware of the difficulty of proposing any plan for disposing of the surplus revenue that will unite conflicting opinions upon the subject. In the infancy of our state, compelled as we are to employ the officers incident to older and more populous states, and where the expense of supporting the government must necessarily be disproportionate to the population, it would seem most desirable to invest the funds in such a manner as to produce the greatest possible revenue, compatible with its entire safety, and thus greatly lessen, if not entirely relieve, the people from the burden of direct taxation.

To loan the revenue among the people of the different coun-

ties, as is proposed by some, is objectionable, for many reasons, which the committee deem it unnecessary to detail. It is not to be presumed that it can be invested in this manner more securely than, under similar circumstances, funds have been invested in the state of New York ; and the report of the comptroller of that state shows that great losses were sustained by the state.

To loan, as suggested by others, to a bank or to different banks, will not, in the opinion of the committee, obtain the proposed end. For it is not probable that any bank will be willing to give, for the use of the money, an interest that will exceed five per centum per annum.

Your committee can see no good reason why the bill, heretofore reported by this committee, and now before the House, for the purpose of augmenting the capital stock of the Michigan state bank and authorizing the purchase of said stock by the state, should not become a law. There cannot, it is presumed, be any reasonable doubt but that the funds of the state, thus invested, will be perfectly safe. The amount of stock that will have been paid into the bank, by the first of May next, will be two hundred thousand dollars ; the ability of the stockholders to meet any further calls that may be made ; the respectable standing of the directors ; the necessity of sustaining the character of the institution, by a fair, honest and honorable course of conduct, will be a sufficient guarantee that this institution will faithfully and promptly discharge all the requisitions of the state. Should, however, any doubt exist, as to the ultimate solvency and ability of the institution to discharge its obligations to the state, provisions may be made in the bill so as to require ample security to be given, to insure the state against any possible loss. The bank being now in operation, we could immediately derive a profit from investment, and which cannot be the case should we create a commonwealth bank, to be owned by the state. Some six or twelve months must necessarily transpire before it could be put into operation, and the state thus lose a profit of from twenty to fifty thousand dollars. In addition to this, should the state take the proposed stock in the state bank, she will be enabled to obtain any facilities for immediate use, and for carrying on the proposed works of internal improvement.

There is another consideration, which should have its proper weight, and which strongly urges the propriety, if not the necessity, of having the surplus revenue invested in such a manner as that we shall be able to meet, at any time, the call of the general government for the repayment. It must be recollected by all, that this fund is not a gift, but a loan without interest, and nowhere can it be so safely and beneficially employed as in a solvent institution, from which we are constantly receiving a profit on its investment, and at the same time have an assurance that it will be promptly repaid, whenever the exigency requires it to be done.

As the state, in this bank, will have a minority of directors, it will not be obnoxious to the objection urged by many against an institution owned, controlled and managed by the state, "that it may be wielded for purposes foreign to the legitimate end for which it was created." Should it be thought advisable, hereafter, to create a bank to be owned and controlled by the state, the immediate investment, as proposed by the bill, will be highly beneficial, for reasons before stated; and the funds can be transferred within the time prescribed by the bill.

As to the five per centum proceeds from the sale of public lands, the law itself, making the grant, prescribes the manner in which it shall be expended. The committee, however, would suggest the propriety of expending a portion of the sum to be laid out upon roads, towards completing those already commenced and in progress, by the general government, and thereby open important avenues tending greatly to the improvement and prosperity of the state.

The report having been read, was laid on the table and ordered to be printed.

Mr. Ely, from the committee on internal improvement, to which was committed the bill entitled "A bill authorizing the building of certain dams therein named," reported the same to the House with sundry amendments, which were concurred in. Said bill having been read a third time, the question being upon its final passage, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Herrington,	Mr. McGaffey,
Mr. Bingham,	Mr. Howe,	Mr. Purdy,
Mr. Butler,	Mr. Haskins,	Mr. Ralph,
Mr. Ballard,	Mr. Kellogg,	Mr. Job Smith,
Mr. Burke,	Mr. Kingsley,	Mr. Shattuck,
Mr. Cornell,	Mr. King,	Mr. Shellhouse,
Mr. Colbath,	Mr. Lee,	Mr. Thayer,
Mr. Ely,	Mr. Lothrop,	Mr. Wisner,
Mr. Finch,	Mr. Munger,	Mr. Ward,
Mr. Foote,	Mr. Mart.n,	Mr. Yerkes,
Mr. Gilbert,		

31

NAYS.

Mr. Phillips,

1

Mr. Jos. Smith laid upon the table the following resolution:

*Resolved*, (if the Senate concur herein,) That the legislature will meet in convention, in the hall of the House of Representatives, on the 13th instant, at 12 o'clock, for the purpose of receiving of the Executive the nomination of a Bank Commissioner.

Mr. Alden moved that the motion for reconsideration on the adoption of the resolution relative to adjournment, laid on the table, be taken up, which was agreed to.

On motion, the vote on the adoption of said resolution was reconsidered, and said resolution was again laid upon the table.

On motion of Mr. Finch, the vote taken upon the final passage of the bill entitled "A bill to incorporate Michigan college," was reconsidered.

Mr. McGaffey moved to commit said bill to the committee on education, with instructions.

On motion, the motion to recommit with instructions, was laid upon the table.

The bill from the Senate entitled "A bill relative to the duties of sheriffs and jailers in certain cases," was taken up and read the first and second time, and committed to a committee of the whole.

The bill entitled "A bill to establish the seat of justice of Branch county," with sundry amendments made thereto by the Senate, was taken up and concurred in.

The title of said bill as amended by the Senate reads, "A bill in relation to the seat of justice of Branch county;" said bill as amended passed.

The engrossed bill entitled "A bill to amend an act entitled 'An act to regulate taverns,' " being under consideration, was read a third time and passed.

The engrossed bill entitled "A bill to provide for the renewal of sheriffs' bonds," being under consideration, was read a third time and passed.

The bill entitled "A bill to locate the university of Michigan," with the following amendment reported by the committee of the whole, was taken up, and the amendment non-concurred in.

*"Be it enacted by the Senate and House of Representatives of the State of Michigan, That the board of Regents of the university of Michigan, shall examine into and report to the legislature at its adjourned session, their opinion as to the most suitable location for said university."*

Mr. Wisner moved to amend said bill by inserting in the first blank the words "Ann Arbor," and in the second blank the word "Washtenaw."

Mr. Felch moved that the bill be recommitted to the committee on education, with instructions to amend by referring the matter to a committee of five members, three from the House, and two from the Senate, and to change the bill to a joint resolution.

The question being upon recommitting said bill with instructions, it was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Colbath,  
Mr. Ely,  
Mr. Felch,  
Mr. Gilbert,

Mr. Haskins,  
Mr. King,  
Mr. Lothrop,  
Mr. McGaffey,

Mr. McKeen,  
Mr. Ralph,  
Mr. Shellhouse,

11

## NAYS.

Mr. Alden,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cornell,  
Mr. Ferrington,  
Mr. Finch,

Mr. Herrington,  
Mr. Howe,  
Mr. Illogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Martin,  
Mr. Purdy,  
Mr. Job Smith,

Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Thayer,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,

23



The question recurring on the amendment offered by Mr. Wisner, it was adopted.

Mr. Jos. Smith moved further to amend by inserting the following to stand at the end of the first section, which was agreed to :

“ Provided, The university shall not be so located unless the proprietors shall make and deliver to the Regents a good and sufficient deed, at such place as they may select for the location.”

Mr. Ward moved to amend by inserting the word “ three,” in the blank in the second section, which was agreed to.

Mr. Wing moved to amend by striking out the word “ ten” in the first section, and insert “ forty” in lieu thereof, which was agreed to.

On motion, said bill was ordered to be engrossed for a third reading.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled “ A bill granting to Norman Nash and Nicholas Ayrault the right of keeping and maintaining a ferry across the St. Clair river,” with sundry amendments. I also transmit herewith a bill, which has passed the Senate, entitled “ A bill to repeal the ninth section of an act to prescribe the tenure of office of auctioneers, and levy a duty upon sales at auction in certain cases, approved April 23, 1833,” in which bill and amendments the concurrence of the House is respectfully requested.

The Chair presented a communication from the Michigan state bank, which was committed to the committee on banks and incorporations. Also presented a copy of the proceedings of a meeting held at Mount Clemens, relative to a state penitentiary. Laid on the table.

On motion of Mr. Ward, the bill entitled “ A bill to amend an act entitled ‘ An act to create a fund for the benefit of certain mortgaged corporations, and for other purposes,’ ” was taken up for consideration.

Mr. Jos. Smith moved to fill the blank in the first section of said bill with the words “ twelve hundred.”

Mr. Ward moved to insert "two thousand."

On motion of Mr. Felch, the further consideration of said bill was postponed until Monday next.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit two bills which have passed the Senate, entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto." and "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,' approved March 23, 1835." I also herewith return the bill entitled "A bill to provide for the organization and support of primary schools," with sundry amendments, in which bills and amendments the concurrence of the House of Representatives is respectfully requested. I also return the amendments made by the House of Representatives to the bill entitled "A bill to organize the counties of Ionia and Van Buren," with the second of said amendments non-concurred in by the Senate ; and return the bill entitled "A bill to provide for the relief of Thomas Snyder," without amendment.

The bill from the Senate entitled "A bill to repeal the ninth section of an act to prescribe the tenure of office of auctioneers, and levy a duty upon sales at auction in certain cases," was taken up and read the first and second time, and committed to the committee on the judiciary.

Also, the bill from the Senate entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,'" was taken up and read the first and second time and committed to the committee on banks and incorporations.

Also, the bill from the Senate entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," was taken up and read the first and second time and committed as above.

The bill from the Senate entitled "A bill to organize the counties of Ionia and Van Buren," was taken up with the following amendment made thereto by the House of Representatives, in which the Senate non-concurred in section fifth, strike out the words "at the seat of justice." On motion, the House insisted upon their amendment.

On motion, a committee of conference on said bill was appointed on the part of the House of Representatives, consisting of Messrs. Lothrop, Jos. Smith, Cornell.

The Chair presented the following communication, which was, with the accompanying documents, committed to the committee on banks and incorporations :

EXECUTIVE OFFICE, }  
Detroit, March 11, 1837. }

Hon. CHAS. W. WHIPPLE, *Speaker, &c.*

SIR—I transmit, through you, to be submitted to the House of Representatives, a report from the officers of the “Erie and Kalamazoo railroad company.”

Very respectfully,

Your ob’t serv’t,

STEVENS T. MASON.

On motion, adjourned.

#### AFTERNOON SESSION.

The bill from the Senate entitled “A bill appointing commissioners to lay out and establish certain state roads,” being under consideration, was read a third time and passed.

On motion of Mr. Lothrop,

The House resumed the consideration, in committee of the whole, Mr. McGaffey in the chair, of the bill entitled “A bill to prohibit the banks of this state from issuing bank notes of a less denomination than five dollars, and for other purposes ;” and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill was ordered to be engrossed for a third reading.

On motion,

The House resolved itself into a committee of the whole, Mr. Wisner in the chair, on the bill entitled “A bill to repeal an act entitled ‘An act to incorporate the River Raisin and Lake Erie railroad company,’” and after spending some time therein, the committee rose and reported the same to the House without amendment.

On motion, said bill was laid on the table.

On motion of Mr. Ely, the bill entitled "A bill to incorporate the Genesee and Saginaw railroad company;" also the bill entitled "A bill to incorporate the Detroit and Shiawassee railroad company," were recommitted to the committee on internal improvement, with instructions to have them conform to the bill entitled "A bill to incorporate the Ypsilanti and Manchester railroad company."

On motion of Mr. Lothrop, the bill entitled "A bill regulating proceedings against corporations in equity," was taken up for consideration, and on motion, again laid on the table.

On motion of Mr. Bingham, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to attach a certain township to another township, for township purposes," which was read the first and second time and laid upon the table.

On motion, adjourned.

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*Monday, March 13.*

The roll being called, the following members were absent: Messrs. Calkin, Colbath, Eldred, Ferrington, Gilbert, Heath, Lee, Munger, Monfore, McKeen, Phillips, Ralph, Thayer, Wisner, Yerkes.

The journal of the previous day having been read, Mr. Kingsley, from the committee on the judiciary, to which was committed the bill entitled "A bill to provide for resignations and removals from office;" also, the bill entitled "A bill authorizing the board of supervisors of any organized county in this state to borrow money for the erection of county buildings," reported the same to the House without amendment.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the bill entitled "An act to organize and regulate banking associations," also the bill entitled "An act in relation to the seat of justice of Branch county."

On motion of Mr. Jos. Smith, the joint resolution relative to adjournment was taken up for consideration.

Mr. Alden moved to amend by striking out the words "thir-

teenth," and insert "twenty-first" in lieu thereof, which was agreed to.

Said resolution as amended was concurred in.

On motion of Mr. Ward, the joint resolution relative to a bank commissioner, was taken up for consideration and concurred in.

On motion of Mr. Jos. Smith, the joint resolution laid on the table by him relative to instructing the state printer, was taken up and adopted.

The engrossed bill entitled "A bill to prohibit the banks of this state from issuing bank notes of less denomination than five dollars, and for other purposes," being under consideration, was read a third time and passed.

The bill entitled "A bill to amend an act entitled 'An act to create a fund for the benefit of certain moneyed corporations, and for other purposes,' coming under the special order of the day, was taken up.

On motion of Mr. Alden, the special orders of the day were laid upon the table.

The bill entitled "A bill to provide for the organization and support of primary schools," with sundry amendments made thereto by the Senate, was taken up.

The question being upon concurring in the amendment made by the Senate to strike out the fifth and sixth clauses in the eighth section, it was, on motion of Mr. Ward, decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Burke,	Mr. Levake,	Mr. Wing,	
Mr. Cornell,	Mr. Munger,	Mr. Ward,	
Mr. Colbath,	Mr. McGaffey,	Mr. Speaker,	
Mr. Lothrop,	Mr. Jos. Smith,		11

NAYS.

Mr. Alden,	Mr. Herrington,	Mr. Monfore,	
Mr. Bingham,	Mr. Howe,	Mr. McKeen,	
Mr. Burbank,	Mr. Haskins,	Mr. Mosely,	
Mr. Butler,	Mr. Heath,	Mr. Purdy,	
Mr. Ballard,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Cressey,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Finch,	Mr. King,	Mr. Shellhouse,	
Mr. Foote,	Mr. Lee,	Mr. Thayer,	
Mr. Gilbert,	Mr. Martin,		26

The question being upon concurring in the amendment made by the Senate to strike out in the seventh clause in the eighth section, the words "the sum so voted shall not exceed in any one year ninety dollars," and insert "provided, that for a longer period than three months, the amount shall be collected from those who send scholars," it was non-concurred in.

The question being upon concurring in the amendment to strike out the third clause of the sixteenth section, it was non-concurred in.

The question being upon concurring in the amendment to strike out the words "district" and insert "township" in article third, it was non-concurred in.

The question being upon concurring in the amendment made to strike out the twentieth section, and insert "each and every township shall be entitled to its proportion of the clear proceeds of all fines collected within the county for any breach of the penal laws, and also its proportion of the equivalent for exemption from military duty, according to the number of children between the ages of five and seventeen years, inclusive, for the support of its library. It shall be the duty of the inspectors of each township to take charge of said library, and adopt such rules for the regulation and preservation of the same, as the Superintendent of Public Instruction shall direct." It was non-concurred in.

The question being upon concurring in the amendments made to the thirteenth section : line third, strike out "district," and insert "township;" line fourth, after "recovered," insert "by an action of debt;" line fourth and fifth, strike out "district board," and insert "township board of inspectors," they were non-concurred in.

On motion, the remaining amendments were concurred in.

On motion of Mr. Alden, a committee of conference was appointed on the amendments non-concurred in, to the above bill, consisting of Messrs. Alden, Bingham and McGaffey.

The following communications were received from the Executive by Mr. Pritchette, Secretary of State :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secreta-

ry of State, "An act entitled 'An act to organize certain townships.'"

STEVENS T. MASON.

*March, 11, 1837.*

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

"An act to incorporate the village of Constantine." "An act to authorize Nathaniel Odell, a minor, to convey certain lands." "An act to authorize the supervisors of the county of St. Joseph to loan a certain sum of money." "An act to incorporate the village of Mount Clemens." "An act to incorporate the village of Centreville." "An act to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company.'" "An act to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned.'" "A joint resolution requiring the Attorney General to reside at the seat of government."

STEVENS T. MASON.

*March 13, 1837.*

Mr. Ely, from the committee on internal improvements, to which was committed the bill entitled "A bill to incorporate the Saginaw and Genesee railroad company ;" also, the bill entitled "A bill to incorporate the Detroit and Shiawassee railroad company," reported the same to the House, amended in accordance with instructions given.

The bill entitled "A bill to incorporate the Detroit and Shiawassee railroad company," with the amendments reported by a committee of the whole, was taken up and concurred in.

Said bill having been read a third time, the question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Ely,  
Mr. Felch,

Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,

Mr. Martin,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Thayer,

Mr. Foote,  
Mr. Gilbert,

Mr. Munger,

Mr. Ward,

25

### NAYS.

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The engrossed bill entitled "A bill to incorporate the Ypsilanti and Manchester railroad company," being under consideration, was read a third time.

The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

### YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Colbath,  
Mr. Ely,  
Mr. Felch,  
Mr. Foote,

Mr. Gilbert,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,

Mr. McGaffey,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Thayer,  
Mr. Ward,

26

### NAYS.

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The engrossed bill entitled "A bill to incorporate the Saginaw and Genesee railroad company," being under consideration, was read the third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :

### YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Colbath,  
Mr. Ely,  
Mr. Felch,  
Mr. Finch,

Mr. Gilbert,  
Mr. Howe,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Munger,  
Mr. McGaffey,  
Mr. McKeen,

Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Thayer,  
Mr. Wing,  
Mr. Ward,  
Mr. Speaker,

28

### NAYS.

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The Chair presented the following communication, which, after being read, was committed to a select committee, consisting of Messrs. Alden, Felch and Burbank :



*To the Hon. C. W. WHIPPLE, Speaker  
of the House of Representatives:*

A number of the citizens of Michigan being desirous to preserve the features of their first Chief Magistrate, have caused a portrait of their Governor to be executed. This portrait they offer for the acceptance of the state, through the medium of the representatives of the people, with the request that it shall be placed in the hall of the House of Representatives, as an evidence to future times of the affection of his fellow citizens for the man, and their respect for the magistrate, and as a memorial of the officer whose virtues have adorned, and whose talents have dignified, the opening annals of the commonwealth of Michigan.

JOHN NORTON, JR.,  
THOMAS C. SHELDON,  
ANDREW T. McREYNOLDS.

On motion of Mr. Felch, the bill entitled "A bill to provide for resignations, vacancies and removals from office," was taken up and considered as in committee of the whole.

On motion, said bill was ordered to be engrossed and read a third time.

The engrossed bill, as above, being under consideration, was read a third time and passed.

The engrossed bill entitled "A bill to locate the university of Michigan," being under consideration, was read a third time, and Mr. Lothrop moved that the further consideration of said bill be indefinitely postponed, which, on motion of Mr. Bingham, was decided by yeas and nays in the negative, as follows:

YEAS.

Mr. Burbank,  
Mr. Burke,  
Mr. Cressey,  
Mr. Colbath,  
Mr. Ely,

Mr. Felch,  
Mr. Foote,  
Mr. Heath,  
Mr. Lothrop,

Mr. Levake,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Shellhouse,

13

NAYS.

Mr. Alden,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cornell,  
Mr. Finch,

Mr. Howe,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Munger,  
Mr. Martin,

Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Thayer,  
Mr. Wing,  
Mr. Ward,

Mr. Gilbert,	Mr. Monfore,	Mr. Speaker,	
Mr. Herrington,	Mr. Purdy,		23

The question recurring on its final passage, it was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Herrington,	Mr. McKeen,	
Mr. Bingham,	Mr. Howe,	Mr. Purdy,	
Mr. Butler,	Mr. Haskins,	Mr. Job Smith,	
Mr. Ballard,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cornell,	Mr. Kingsley,	Mr. Jos. Smith,	
Mr. Felch,	Mr. Lee,	Mr. Thayer,	
Mr. Finch,	Mr. Munger,	Mr. Wing,	
Mr. Foote,	Mr. Martin,	Mr. Speaker,	
Mr. Gilbert,	Mr. Monfore,		26

## NAYS.

Mr. Burbank,	Mr. Colbath,	Mr. Levake,	
Mr. Burke,	Mr. Ely,	Mr. McGaffey,	
Mr. Cressey,	Mr. Lothrop,	Mr. Shellhouse,	9

On motion, adjourned.

## AFTERNOON SESSION.

On motion of Mr. Finch, the committee on banks and incorporations were instructed to report to the House the following bills committed to them : " A bill to incorporate the Bank of the commonwealth of Michigan ;" " A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto ;" " A bill to amend an act entitled ' An act to incorporate the trustees of the Spring Arbor seminary. ' "

Mr. Lothrop, from the committee on banks and incorporations, in accordance with the above instructions, reported the same to the House.

On motion of Mr. Kingsley, said bills were recommitted to the committee on banks and incorporations.

On motion of Mr. Finch, the joint resolution relative to a loan for twenty thousand dollars, was taken up for consideration.

On motion of Mr. Wing, said resolution was laid upon the table.

The bill entitled " A bill to authorize the draining of certain lands," being under consideration,

On motion, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Thayer,

The House resolved itself into a committee of the whole, Mr. McKeen in the chair, on the bill entitled "A bill to incorporate the Michigan insurance and loan company," and after spending some time therein, the committee rose and reported the same to the House without amendment.

Mr. Ward moved that the further consideration of said bill be indefinitely postponed, which was agreed to.

The following communication was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return a resolution entitled "A joint resolution relative to the time of the adjourned session of this legislature," and bills entitled "A bill to provide for taking the census," and "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" with amendments, in which the concurrence of the House of Representatives is respectfully requested. I also return, without amendment, the bill entitled "A bill to amend an act entitled 'An act to incorporate the village of Niles.'" I am also directed to inform the House of Representatives, that Messrs. Cooper, McKey and Moore, have been appointed a committee of conference on the part of the Senate, on the disagreement between the two Houses on the bill entitled "A bill to organize the counties of Ionia and Van Buren."

The bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" with an amendment made thereto by the Senate, as a substitute, was taken up.

On motion of Mr. Alden, said bill was committed to the committee on the judiciary, and the amendments ordered to be printed.

The bill entitled "A bill to provide for taking the census," with an amendment made thereto by the Senate, as a substitute, was taken up.

The question being upon concurring in the amendment made by the Senate, it was non-concurred in.

On motion, a committee of conference on said bill was appointed, consisting of Messrs. McKeen, Kellogg and Burbank.

On motion of Mr. Ely, the bill entitled "A bill authorizing the board of supervisors of any organized county of this state to borrow money for the erection of county buildings," was taken up and considered as in committee of the whole.

On motion, said bill was laid upon the table.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate entitled "A bill to repeal the ninth section of an act to prescribe the tenure of office of auctioneers, and levy a duty upon sales at public auction in certain cases," reported the same to the House without amendment.

On motion, adjourned.

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*Tuesday, March 14.*

The roll being called, the following members were absent: Messrs Almy, Bingham, Ballard, Burke, Cressey, Calkin, Cornell, Felch, Farrington, Gilbert, Howe, Kingsley, Lee, Levake, Munger, Martin, Mosely, Phillips, Ralph, Wisner, Yerkes.

The journal of the previous day having been read, Mr. McKeen, from the committee on banks and incorporations, to which was committed the bill from the Senate, entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" also, the bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,'" reported the same to the House, without amendment.

Also, to which was committed the bill from the Senate entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," reported the same to the House with sundry amendments.

Mr. Cornell laid on the table the following resolution:

*Resolved*, That the committee on the judiciary be instructed to bring in a bill to increase the salaries of the Secretary of State, the Treasurer of this State, and the Auditor General of this state.

The engrossed bill entitled "A bill to authorize the draining of

certain lands," being under consideration, was read a third time and passed.

The bill from the Senate, entitled "A bill relative to the duties of sheriffs and jailers in certain cases," coming under the general orders of the day, was taken up, and on motion, the House resolved itself into a committee of the whole, Mr. Haskins in the chair, on said bill, and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill was ordered to be read a third time.

On motion of Mr. Lothrop, the bill from the Senate entitled "A bill to incorporate the Bank of the commonwealth of Michigan," was ordered to be printed; also, on motion, the House resolved itself into a committee of the whole, Mr. Burbank in the chair, on the bill from the Senate entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," and after spending some time therein, the committee rose and reported the same to the House without amendment.

On motion of Mr. Lothrop, the bill entitled "A bill regulating proceedings against corporations in equity," was taken up for consideration.

On motion, said bill was ordered to be engrossed for a third reading.

The engrossed bill as above, being under consideration, was read a third time and passed.

On motion of Mr. Cornell, the bill from the Senate entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,'" was taken up and ordered to be read a third time.

The above bill being under consideration, was read a third time and passed.

On motion of Mr. Bingham, the bill entitled "A bill to attach a certain township to another township for township government," was taken up for consideration, and ordered to be engrossed for a third reading.

The engrossed bill as above, being under consideration, was read a third time and passed.

On motion, the title of the above bill was amended so as to read

" A bill to attach a certain township in the county of Livingston, for township government, to the township of Hartland. .

Mr. Alden, from the select committee, to which was referred a communication presented yesterday, made the following

#### REPORT :

The select committee to which was referred a communication from John Norton, Jr., Thomas C. Sheldon and Andrew T. McReynolds, in behalf of a number of the citizens of Michigan, relative to a donation to the state of a portrait of its first Chief Magistrate, and which they request may be placed in the hall of the House of Representatives, beg leave to observe, that they feel assured that the sentiments and views expressed by them, through their committee, will be warmly responded to by a large majority of their fellow citizens ; and whether they contemplate the officer, the citizen, or the man, it will be with a noble pride that they and their posterity shall see, after the original shall have mingled with its mother earth, the features, correctly delineated, of his excellency Stevens T. Mason, " whose virtues have adorned, and whose talents have dignified, the opening annals of the commonwealth of Michigan," suspended in the representative hall of the capitol. With these feelings and assurances, your committee beg leave to offer the following resolutions :

*Resolved*, That this House (believing that we do but speak the wishes which would be felt by the great body of the people,) do, in behalf of the state, accept of the proffered donation made by certain citizens of Michigan, through their committee, of a portrait of the first Chief Magistrate of the state of Michigan.

*Resolved*, That the thanks of this House be, and they are hereby, tendered to the citizens of Michigan, who may have contributed to this object, for the strong expression of their marked affection, respect and regard for the officer, the citizen, and the man, whose portrait they have so generously presented to the state.

*Resolved*, That the Speaker of this House be, and he is hereby, authorized at the expense of the state, to cause the same portrait to be set in an appropriate frame, and placed in an eligible position in the representative hall.

*Resolved*, That the Speaker be requested to forward a copy of the foregoing report and resolutions, to Messrs. John Norton, Jr.,

Thomas C. Sheldon and Andrew T. McReynolds, committee of correspondence.

On motion, the resolutions in the above report were adopted.

On motion of Mr. Felch, the vote taken upon the final passage of the bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,'" was reconsidered.

The question again recurring on the final passage of said bill, it was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Martin,	
Mr. Brown,	Mr. Felch,	Mr. McGaffey,	
Mr. Bingham,	Mr. Gilbert,	Mr. Mosely,	
Mr. Burbank,	Mr. Herrington,	Mr. Purdy,	
Mr. Butler,	Mr. Haskins,	Mr. Job Smith,	
Mr. Burke,	Mr. Heath,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Kingsley,	Mr. Thayer,	
Mr. Colbath,	Mr. Lothrop,	Mr. Ward,	
Mr. Ely,	Mr. Munger,	Mr. Speaker,	80

NAYS.

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Mr. McGaffey moved that the bill entitled "A bill to incorporate the Michigan college," be recommitted to the committee on education, with the following instructions, which was agreed to :

Title. To incorporate the Marshall literary institute.

Sec. 1. Twentieth line, after the word "pursuance," insert, "not exceeding two hundred thousand dollars;" strike out all in the sixteenth line, after the word "state," to the end of the section.

§ 2. In the second line, after the word "received," insert, "for the advancement of science and literature."

§ 6. Strike out the proviso, and insert as follows : "No deduction or bequest to this institution shall be applied to any other than literary or scientific purposes; and every donation or bequest for such purposes, shall be applied according to the direction of the donor or donors, and in case of the perversion of any such donation or bequest to any other object than the one designated, the same shall revert to the original donors or their heirs."

On motion, adjourned.

## AFTERNOON SESSION.

On motion, Mr. Mosely, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to appropriate a portion of the five per centum fund for the improvement of certain roads," which was read the first and second time and laid upon the table.

On motion, Mr. Bingham, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to amend 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836," which was read the first and second time.

On motion, said bill was ordered to be engrossed for a third reading.

The bill from the Senate entitled "A bill relative to the duties of sheriffs and jailers in certain cases," being under consideration on motion, the twenty-second rule being suspended, said bill was read a third time and passed.

Also, the bill from the Senate entitled "A bill to repeal the ninth section of 'An act to prescribe the tenure of office of auctioneers, and levy a duty upon sales at auction in certain cases,' " being under consideration, was read a third time and passed.

The bill entitled "A bill to incorporate the Michigan wool growing and manufacturing company," with an amendment reported by a committee of the whole, to strike out all after the enacting clause, was taken up for consideration.

The question being upon concurring in the amendment, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Burke,  
Mr. Cressey,  
Mr. Colbath,  
Mr. Ferrington,

Mr. Foote,  
Mr. Howe,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lothrop,  
Mr. Levake,  
Mr. Munger,

Mr. Martin,  
Mr. McGaffey,  
Mr. Purdy,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Speaker,

23

## NAYS.

Mr. Alden,  
Mr. Almy,

Mr. Ely,  
Mr. Felch,

Mr. Haskins,  
Mr. McKeen,



Mr. Ballard,	Mr. Gilbert,	Mr. Mosely,	
Mr. Cornell,	Mr. Herrington,	Mr. Job Smith,	12

On motion of Mr. Ely,

The House resolved itself into a committee of the whole, Mr. Wing in the chair, on the following bills : “ A bill to incorporate the Ypsilanti and Flat Rock canal and navigation company ;” “ A bill to incorporate the Detroit and Clinton river canal company ;” and after spending some time therein, the committee rose and reported the first named bill to the House with sundry amendments, which were concurred in.

Also, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion, adjourned.

*Wednesday, March 15.*

The roll being called, the following members were absent : Messrs. Almy, Cornell, Farrington, Jos. Smith, Shellhouse, Thayer.

The journal of the previous day having been read, the following petitions were presented and severally referred :

By Mr. Ward,

A petition of the common council of Niles, praying for the passage of an act authorizing said village to loan twenty thousand dollars. Referred to a select committee of three, consisting of Messrs. Ward, Kingsley, Bingham, empowering them to report by bill or otherwise.

By Mr. Phillips,

A petition for a railroad from Detroit to the Rapids of Grand river. Referred to the committee on internal improvement.

By Mr. Levake,

A petition of sundry inhabitants of Chippewa. Referred to the committee on the judiciary.

By Mr. Burbank,

Sundry petitions of the inhabitants of Oakland and Macomb, for a canal from Detroit to Clinton river. Laid on the table.

On motion of Mr. Alden,

*Resolved*, That the state printer be, and he is hereby, autho-

rized and required to print in pamphlet form, three thousand copies of the act entitled "An act to organize and establish primary schools," and an act entitled "An act to provide for the disposition of the university and primary school lands, and for other purposes," to be distributed by the Secretary of State to the several townships of the state, for the benefit of the officers of school districts.

Mr. Almy, from former notice given, asked and obtained leave to bring in a bill entitled "A bill to incorporate the Black river navigation company," which was read the first and second time and laid on the table.

Mr. Cornell called up the following resolution from the table, which, after being read, was adopted :

*Resolved*, That the committee on the judiciary be instructed to bring in a bill to increase the salaries of the Secretary of State, the Treasurer of this state, and the Auditor General of this state.

Mr. Burbank called up the resolution from the table, relative to the portrait of Washington, and for procuring other portraits, which, after being read, Mr. Lothrop moved to lay the same on the table, which was negatived.

On motion of Mr. Almy, said resolution was referred to a select committee of five, consisting of Messrs. Almy, Burbank, Ward, Cornell, Mosely.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—The Senate have, on their part, suspended the eighth joint rule, for the purpose of passing "A bill to provide for the construction of certain works of internal improvement and for other purposes," and respectfully request a similar suspension on the part of the House.

Also, in pursuance of the rules of the Senate, I herewith return a bill entitled "A bill to amend an act entitled 'An act to regulate highways,' " with sundry amendments, in which the concurrence of the House is respectfully requested : I am also directed to inform the House of Representatives that the Senate have receded from the amendments made to the bill entitled "A bill to provide for the organization and support of primary schools," in which the House had non-concurred : I also herewith return the bill entitled

"A bill to provide for the organization and government of the university of Michigan," and "A bill to incorporate the Dowagiac hydraulic company," with amendments, in which the concurrence of the House is respectfully requested.

On motion Mr. Kingsley, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill authorizing the president and trustees of the village of Niles to loan a certain sum of money therein named," which was read the first and second time and laid on the table.

The question being upon concurring in the motion of the Senate for the suspension of the eighth joint rule, it was concurred in.

The bill entitled "A bill to incorporate the Dowagiac hydraulic company," with sundry amendments made thereto by the Senate, was taken up and concurred in. Said bill as amended, passed.

The bill entitled "A bill to provide for the organization and government of the university of Michigan," with sundry amendments made thereto by the Senate, was taken up and concurred in. Said bill as amended, passed.

Also the bill entitled "A bill to amend an act entitled 'An act to regulate highways,'" with sundry amendments made thereto by the Senate, was taken up and concurred in. Said bill as amended, passed.

On motion of Mr. Eldred,

The House resolved itself into a committee of the whole; Mr. Almy in the chair, on the bill entitled "A bill to amend an act entitled 'An act to incorporate the Michigan and Huron institute,'" and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

On motion, said bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Ward, the bill entitled "A bill authorizing the president and trustees of the village of Niles to loan a certain sum of money therein named," was taken up and considered as in committee of the whole.

The twenty-second rule being suspended, said bill was ordered to be engrossed and read a third time to-day.

The engrossed bill as above being under consideration, was read a third time and passed.

Mr. Kingsley, from the committee on the judiciary, reported a bill entitled "A bill to amend an act entitled 'An act to incorporate the village of Ann Arbor,'" which was read the first and second time and laid on the table.

Mr. Felch offered the following resolution :

*Resolved*, That the commissioner appointed to report a revised code of laws, be requested to incorporate in the same, a law for the organization of the militia, and that the clerk enclose to him the two militia bills now on the table.

On motion of Mr. Ward, said resolution was laid upon the table.

Mr. Wing gave notice that he would, on some future day, ask leave to bring in a bill to repeal the law providing for the organization of the militia.

On motion, adjourned.

#### AFTERNOON SESSION.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate entitled "A bill to incorporate the city of Monroe," in which the concurrence of the House of Representatives is respectfully requested : I also return, without amendment, the bill entitled "A bill to amend an act appointing commissioners to lay out and establish certain state roads, approved July 26th, 1836 ;" and am directed to inform the House, that the Senate have non-concurred in the amendment made by the House of Representatives to the bill entitled "A bill relative to the duties of sheriffs and jailers in certain cases : " I also herewith return the bill entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," with an amendment made thereto by the Senate, in which they respectfully ask the concurrence of the House of Representatives.

The bill entitled " A bill to provide for the construction of certain works of internal improvement, and for other purposes," with

an amendment made thereto by the Senate, as a substitute, was taken up for consideration.

The Speaker (Mr. Alden in the chair,) moved to amend the amendment made by the Senate, by offering a substitute.

Mr. Ely moved to lay the bill and amendments on the table, which was negatived.

Mr. Felch moved to amend the 5th section, fifth line of said amendment, by striking out the words "one hundred thousand," and inserting "one hundred and fifty thousand" in lieu thereof, which, on motion of Mr. Bingham, was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Eldred,	Mr. Monfore,
Mr. Burbank,	Mr. Felch,	Mr. McGaffey,
Mr. Butler,	Mr. Foote,	Mr. McKeen,
Mr. Ballard,	Mr. Gilbert,	Mr. Mosely,
Mr. Burke,	Mr. Herrington,	Mr. Jos. Smith,
Mr. Cressey,	Mr. Haskins,	Mr. Shellhouse,
Mr. Calkin,	Mr. King,	Mr. Wing,
Mr. Cornell,	Mr. Lothrop,	Mr. Wisner,
Mr. Colbath,	Mr. Levake,	Mr. Ward,

27

NAYS.

Mr. Almy,	Mr. Kingsley,	Mr. Job Smith,
Mr. Brown,	Mr. Lee,	Mr. Shattuck,
Mr. Bingham,	Mr. Munger,	Mr. Thayer,
Mr. Ferrington,	Mr. Martin,	Mr. Yerkes,
Mr. Howe,	Mr. Purdy,	Mr. Speaker,
Mr. Kellogg,	Mr. Phillips,	

17

Mr. Bingham moved that the bill and amendments be laid upon the table and be printed, which was negatived.

Mr. Mosely moved to amend by inserting the following at the close of the sixth section :

"Twenty-five thousand for the survey and construction of a canal to unite the waters of Grand river and Saginaw," which was decided in the affirmative.

Mr. Lothrop moved to amend by striking out the words "Romeo, in the county of Macomb," and insert in the first section "the mouth of Black river, in the county of St. Clair," in lieu thereof, which was decided in the negative.

Mr. Ward moved that the bill and amendments be laid upon the table, which was negatived.

Mr. Jos. Smith moved to amend by striking out in the first section, the words "St. Clair and Romeo railroad company," and the "Detroit and Pontiac railroad company."

Mr. Bingham moved for a division of the question, which was agreed to.

The question being upon striking out the words "St. Clair and Romeo railroad company," it was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Almy,	Mr. Cressey,	Mr. Munger,	
Mr. Butler,	Mr. Felch,	Mr. Shattuck,	
Mr. Ballard,	Mr. Haskins,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Kellogg,		11

## NAYS.

Mr. Alden,	Mr. Gilbert,	Mr. McKeen,	
Mr. Brown,	Mr. Herrington,	Mr. Mosely,	
Mr. Bingham,	Mr. Heath,	Mr. Purdy,	
Mr. Burbank,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Cornell,	Mr. King,	Mr. Thayer,	
Mr. Colbath,	Mr. Lee,	Mr. Wing,	
Mr. Eldred,	Mr. Levake,	Mr. Wisner,	
Mr. Ely,	Mr. Monfore,	Mr. Ward,	
Mr. Ferrington,	Mr. McGaffey,	Mr. Speaker,	
Mr. Foote,			28

The question being upon striking out the words "Detroit and Pontiac railroad company," it was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Almy,	Mr. Felch,	Mr. Kellogg,	
Mr. Bingham,	Mr. Gilbert,	Mr. Shattuck,	
Mr. Butler,	Mr. Haskins,	Mr. Jos. Smith,	
Mr. Cressey,			10

## NAYS.

Mr. Alden,	Mr. Foote,	Mr. McGaffey,
Mr. Brown,	Mr. Herrington,	Mr. Mosely,
Mr. Burbank,	Mr. Heath,	Mr. Purdy,
Mr. Ballard,	Mr. Kingsley,	Mr. Thayer,
Mr. Burke,	Mr. King,	Mr. Wing,
Mr. Calkin,	Mr. Lee,	Mr. Wisner,

Mr. Colbath,	Mr. Lothrop,	Mr. Ward,	
Mr. Eldred,	Mr. Levake,	Mr. Yerkes,	
Mr. Ely,	Mr. Munger,	Mr. Speaker,	
Mr. Ferrington,	Mr. Monfore,		29

Mr. Ward moved to amend by inserting in the fifth section the following :

“ And it is hereby expressly declared that the board of internal improvement shall commence the construction of the said southern, central and northern routes, upon the eastern and western terminis respectively, at the same time.”

The question being upon the adoption of the above amendment, it was decided by yeas and nays, as follows:

YEAS.

Mr. Almy,	Mr. Lee,	Mr. Jos. Smith,	
Mr. Burke,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Cressey,	Mr. Levake,	Mr. Thayer,	
Mr. Colbath,	Mr. Mosely,	Mr. Ward,	
Mr. Foote,	Mr. Phillips,	Mr. Speaker,	
Mr. Heath,			16

NAYS.

Mr. Alden,	Mr. Ely,	Mr. Munger,	
Mr. Brown,	Mr. Ferrington,	Mr. Monfore,	
Mr. Bingham,	Mr. Felch,	Mr. McGaffey,	
Mr. Burbank,	Mr. Gilbert,	Mr. McKeen,	
Mr. Butler,	Mr. Herrington,	Mr. Purdy,	
Mr. Ballard,	Mr. Haskins,	Mr. Shattuck,	
Mr. Calkin,	Mr. Kellogg,	Mr. Wing,	
Mr. Cornell,	Mr. Kingsley,	Mr. Wisner,	
Mr. Eldred,	Mr. King,	Mr. Yerkes,	27

Mr. Almy moved to strike out in the first section the words “ the Detroit and St. Joseph railroad company.”

Mr. Ballard moved that the House adjourn, which was negatived.

Mr. Bingham moved that the House adjourn, which was negatived.

Mr. Howe moved that the House adjourn, which was also negatived.

The question being upon the original amendment offered by the Speaker to the amendment from the Senate, it was nonconcurring in.

The question being upon concurring in the amendment from the Senate, it was non-concurred in by yeas and nays, as follows:

## YEAS.

Mr. Alden,	Mr. Ballard,	Mr. Howe,	
Mr. Brown,	Mr. Ferrington,	Mr. Wisner,	6

## NAYS.

Mr. Almy,	Mr. Gilbert,	Mr. McKeen,	
Mr. Bingham,	Mr. Herrington,	Mr. Mosely,	
Mr. Burbank,	Mr. Haskins,	Mr. Purdy,	
Mr. Butler,	Mr. Heath,	Mr. Phillips,	
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kingsley,	Mr. Jos. Smith,	
Mr. Calkin,	Mr. King,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Lee,	Mr. Thayer,	
Mr. Colbath,	Mr. Lothrop,	Mr. Wing,	
Mr. Eldred,	Mr. Levake,	Mr. Ward,	
Mr. Ely,	Mr. Munger,	Mr. Yerkes,	
Mr. Felch,	Mr. Monfore,	Mr. Speaker,	
Mr. Foote,	Mr. McGaffey,		38

The following communications were received from the Executive by Mr. Pritchette, Secretary of State :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State an act entitled " An act to organize and regulate banking associations."

STEVENS T. MASON.

March 15, 1837.

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

" An act to amend an act entitled ' An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county.' "

" An act relative to the seat of justice of Branch county."

" An act to amend an act entitled ' An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836."

" An act to provide for the election of justices of the peace in newly organized townships, and for other purposes."

" An act to furnish each organized county with a complete set of weights and measures."



“An act to incorporate the village of Tecumseh.”

“An act to lay out a state road from Ypsilanti to Ridgeway.”

STEVENS T. MASON.

*March 14, 1837.*

On motion, adjourned.

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*Thursday, March 16.*

The roll being called, the following members were absent: Messrs. Almy, Burbank, Ballard, Burke, Colbath, Farrington, Kellogg, Lee, Levake, Munger, Mosely, Phillips, Job Smith, Jos. Smith, Thayer, Wisner.

The journal of the previous day having been read,

Messrs. Ward and Heath severally asked and obtained leave to have their names recorded in the negative, on the vote taken yesterday, on the amendment offered by the Speaker, to the amendment from the Senate, to the bill entitled “A bill to provide for the construction of certain works of internal improvement, and for other purposes.”

Mr. Calkin presented a petition from sundry citizens of Macomb, for the construction of a canal from Detroit through the valley of the Clinton river to Grand river. Laid on the table.

Mr. Alden, from the committee on education, to which was committed the bill entitled “A bill to incorporate the Michigan college,” reported the same to the House, amended in accordance with instructions given.

On motion, Mr. Kingsley, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled “A bill to divide the township of Clinton,” which was read the first and second time and laid on the table.

On motion, Mr. Felch, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled “A bill to amend an act entitled ‘An act amendatory to the act herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,’” which was read the first and second time and committed to the committee on ways and means, with instructions to report as soon as practicable.

The engrossed bill entitled "A bill to amend an act entitled 'An act to incorporate the Michigan and Huron institute,' " being under consideration, was read a third time.

The question being on its final passage, it was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. McGaffey,	
Mr. Brown,	Mr. Felch,	Mr. McKeen,	
Mr. Burbank,	Mr. Gilbert,	Mr. Purdy,	
Mr. Butler,	Mr. Herrington,	Mr. Phillips,	
Mr. Ballard,	Mr. Haskins,	Mr. Job Smith,	
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Calkin,	Mr. King,	Mr. Thayer,	
Mr. Cornell,	Mr. Lothrop,	Mr. Wing,	
Mr. Colbath,	Mr. Munger,	Mr. Wisner,	
Mr. Eldred,	Mr. Martin,	Mr. Ward,	
Mr. Ely,	Mr. Monfore,	Mr. Yerkes,	36

## NAYS.

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On motion of Mr. Mosely, the bill entitled "A bill to appropriate a portion of the five per centum fund for the improvement of certain roads," was taken up for consideration.

Mr. McGaffey moved to amend the same by striking out all after the enacting clause.

Mr. Cornell moved that the bill be laid upon the table, which was negatived.

The question recurring on the motion to strike out all after the enacting clause, it was, on motion of Mr. Mosely, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Brown,	Mr. Gilbert,	Mr. Monfore,	
Mr. Burbank,	Mr. Howe,	Mr. McGaffey,	
Mr. Calkin,	Mr. Haskins,	Mr. McKeen,	
Mr. Cornell,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Eldred,	Mr. Lothrop,	Mr. Shattuck,	
Mr. Ely,	Mr. Munger,	Mr. Yerkes,	18

## NAYS.

Mr. Almy,	Mr. Foote,	Mr. Phillips,
Mr. Bingham,	Mr. Herrington,	Mr. Jos. Smith,
Mr. Butler,	Mr. Heath,	Mr. Thayer,

Mr. Ballard,  
Mr. Colbath,  
Mr. Ferrington,  
Mr. Felch,

Mr. King,  
Mr. Martin,  
Mr. Mosely,

Mr. Wing,  
Mr. Ward,  
Mr. Speaker,

19

On motion of Mr. Wing, said bill was laid upon the table.

The bill from the Senate entitled "A bill to incorporate the city of Monroe," was taken up and read the first and second time and committed to a select committee of three, consisting of Messrs. Wing, Ward, Lothrop.

The bill from the Senate entitled "A bill relative to the duties of sheriffs and jailers in certain cases," with an amendment made thereto by the House of Representatives, in which the Senate non-concurred, was taken up.

On motion, the House insisted on their amendment. On motion of Mr. Cornell, a committee of conference was appointed, consisting of Messrs. Cornell, Wing, McKeen.

The bill entitled "A bill granting to Norman Nash and Nicholas Ayrault, the right to keep and maintain a ferry across the St. Clair river," with an amendment made thereto by the Senate, was taken up and concurred in.

On motion of Mr. Jos. Smith, said bill was laid upon the table.

The Chair presented the following communication, which was read and laid upon the table :

*To the Hon. CHARLES W. WHIPPLE, Speaker H. R., &c.*

SIR—The subjoined is a copy of a resolution adopted in common council last evening, and is transmitted to you by order of the board.

Yours, &c.,

GEO. BYRD, *Clerk.*

*Clerk's Office, Detroit, 16th March, 1837.*

Whereas, it has been intimated to this board, that there is a bill now in progress before the legislature of this state, making very important alterations in the charter of this city, but which we have not seen, and it being desirable that the proposed alterations should be submitted to the citizens, therefore,

*Resolved*, That the honorable the Senate and House of Representatives, be respectfully requested to suspend final action on said bill, until the same shall have been submitted to the citizens for consideration.

*Resolved*, That copies of this resolution be transmitted to the

President of the Senate and the Speaker of the House of Representatives.

On motion of Mr. Ely, the bill entitled "A bill authorizing the board of supervisors of any organized county, to borrow money for the erection of county buidings," was taken up and considered as in committee of the whole, and after sundry amendments, on motion, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Kingsley, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to repeal an act entitled 'An act to provide for establishing seats of justice,'" which was read the first and second time and laid upon the table.

On motion of Mr. McGaffey, the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault, the right to keep and maintain a ferry across the St. Clair river," was taken up for consideration.

Mr. Lothrop moved to reconsider the vote taken on the concurrence in the amendments to said bill, made by the Senate, which was agreed to.

The question being upon concurring in the amendment made by the Senate to said bill, it was nonconcurring in.

On motion of Mr. Heath, a committee of conference was appointed, consisting of Messrs. Heath, Jos. Smith, Felch.

On motion, Mr. Kingsley, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to organize certain townships," which was read the first and second time and considered as in committee of the whole, and after sundry amendments, on motion, said bill was ordered to be engrossed for a third reading.

On motion, Mr. Butler, the House resumed the consideration in committee of the whole, Mr. Wing in the chair, of the bill entitled "A bill to incorporate the Detroit and Clinton river canal company," and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

The following communication was received from the Senate, through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herc-

with return to the House of Representatives, without amendment, the bills entitled "A bill for the relief of Martin Kundig ;" "A bill authorizing the president and trustees of the village of Niles to loan a certain sum of money therein named," and "A bill to attach a certain township in the county of Livingston, for township government, to the township of Hartland," with sundry amendments, in which the concurrence of the House is respectfully requested; the bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes ;" and I am also directed to inform the House of Representatives that the Senate have concurred in the amendment made by the House of Representatives to the amendment of the Senate to the resolution relative to adjournment.

On motion, adjourned.

#### AFTERNOON SESSION.

The Chair presented a communication from the Auditor General, enclosing a communication from Stephen R. Wood, acting treasurer of the county of Chippewa, relative to the inability of the inhabitants of said county to comply with the requisitions of the law for raising a state tax. Laid upon the table.

Mr. Bingham asked and obtained leave of absence for Mr. Kellogg, during the remainder of the session.

Mr. Alden moved to reconsider the vote taken yesterday, on the adoption of the following resolution, which was agreed to.

*Resolved*, That the state printer be, and he is hereby, authorized and required to print in pamphlet form, three thousand copies of the act entitled "An act to organize and establish primary schools," and an act entitled "An act to provide for the disposition of the university and primary school lands, and for other purposes," to be distributed by the Secretary of State to the several townships of the state, for the benefit of the officers of the school districts.

Also, moved to amend the same, by inserting after the word "purposes," the following :

"And a copy of the various forms prescribed by the Superintendent of Public Instruction." Also, to strike out "Secretary of

State," and insert "Superintendent of Public Instruction," which was agreed to.

Said resolution as amended, was adopted.

The bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' " with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

The bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

On motion, the twenty-second rule being suspended, the engrossed bill entitled "A bill to organize certain townships," being under consideration, was read a third time and passed.

The bill entitled "A bill to incorporate the Detroit and Clinton river canal company," being under consideration, after sundry amendments, on motion, said bill was laid upon the table.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Kingsley in the chair, on the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The engrossed bill entitled "A bill authorizing the supervisors of any organized county in this state to loan money for the purpose of erecting county buildings," being under consideration, was read a third time and passed.

Mr. Ely moved to amend the title of said bill by inserting "and for other purposes," which was agreed to.

Mr. Lothrop, upon leave granted, from the committee of conference on the bill entitled "A bill to organize the counties of Ionia and Van Buren," reported the same to the House with the following amendment, which was adopted:

"Sec. 5. The circuit court for the county of Van Buren shall be held for one year from the first day of November next, at such place as the sheriff of said county shall provide in said county,

on the first Mondays of June and December in each year, and after said first day of November, 1838, at the seat of justice in said county."

Said bill as amended, passed.

Mr. Mosely, from the committee of ways and means, to which was committed the bill entitled "A bill to amend an act entitled 'An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,'" reported the same to the House in accordance with instructions given.

Mr. Wing, from the select committee to which was committed entitled "A bill to incorporate the city of Monroe," reported the bill the same to the House with an amendment.

Mr. Felch gave notice that he would to-morrow ask leave to introduce a bill to provide for the disposal of the surplus revenue.

On motion, adjourned.

*Friday, March 17.*

The roll being called, the following members were absent: Messrs. Burke, Farrington, Munger, McKeen, Mosely, Shattuck.

The journal of the previous day having been read,

Mr. Jos. Smith asked and obtained leave of absence for Mr. Ralph, during the remainder of the session.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following bills:

"An act to amend an act entitled 'An act to incorporate the village of Niles.'"

"An act to incorporate the Dowagiac hydraulic company:"

"An act for the relief of Martin Kundig:"

"An act to attach a certain township in the county of Livingston, for township government, to the township of Hartland:"

"An act to amend 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836:"

"An act to provide for the relief of Thomas Snyder:"

"An act to authorize the president and trustees of the village of Niles to loan a certain sum of money therein named:"

State," and insert "Superintendent of Public Instruction," which was agreed to.

Said resolution as amended, was adopted.

The bill entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' " with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

The bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

On motion, the twenty-second rule being suspended, the engrossed bill entitled "A bill to organize certain townships," being under consideration, was read a third time and passed.

The bill entitled "A bill to incorporate the Detroit and Clinton river canal company," being under consideration, after sundry amendments, on motion, said bill was laid upon the table.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Kingsley in the chair, on the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The engrossed bill entitled "A bill authorizing the supervisors of any organized county in this state to loan money for the purpose of erecting county buildings," being under consideration, was read a third time and passed.

Mr. Ely moved to amend the title of said bill by inserting "and for other purposes," which was agreed to.

Mr. Lothrop, upon leave granted, from the committee of conference on the bill entitled "A bill to organize the counties of Ionia and Van Buren," reported the same to the House with the following amendment, which was adopted:

"Sec. 5. The circuit court for the county of Van Buren shall be held for one year from the first day of November next, at such place as the sheriff of said county shall provide in said county,



on the first Mondays of June and December in each year, and after said first day of November, 1838, at the seat of justice in said county."

Said bill as amended, passed.

Mr. Mosely, from the committee of ways and means, to which was committed the bill entitled "A bill to amend an act entitled 'An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,'" reported the same to the House in accordance with instructions given.

Mr. Wing, from the select committee to which was committed entitled "A bill to incorporate the city of Monroe," reported the bill the same to the House with an amendment.

Mr. Felch gave notice that he would to-morrow ask leave to introduce a bill to provide for the disposal of the surplus revenue.

On motion, adjourned.

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*Friday, March 17.*

The roll being called, the following members were absent: Messrs. Burke, Farrington, Munger, McKeen, Mosely, Shattuck.

The journal of the previous day having been read,

Mr. Jos. Smith asked and obtained leave of absence for Mr. Ralph, during the remainder of the session.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following bills:

"An act to amend an act entitled 'An act to incorporate the village of Niles.'"

"An act to incorporate the Dowagiac hydraulic company:"

"An act for the relief of Martin Kundig:"

"An act to attach a certain township in the county of Livingston, for township government, to the township of Hartland:"

"An act to amend 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836:"

"An act to provide for the relief of Thomas Snyder:"

"An act to authorize the president and trustees of the village of Niles to loan a certain sum of money therein named:"

“An act to amend an act entitled ‘An act to regulate highways.’”

“A joint resolution fixing the time of adjournment:”

“An act to provide for the organization and government of the university of Michigan.”

Mr. Almy, from the select committee to which was committed two certain resolutions, reported the following joint resolutions, as a substitute, to the House, which were laid upon the table.:

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That his excellency the Governor, the President of the Senate, and the Speaker of the House of Representatives, be, and they are hereby, authorized to contract with some distinguished native artist of the United States, for full length portraits of General George Washington and General Lafayette, which, after being procured, shall be suspended or placed in some appropriate apartment in the capitol of this state; and that the sum of one thousand dollars be, and the same is hereby, appropriated for defraying the expenses of procuring the aforesaid portraits.

*Resolved,* That the clerk of this House be, and he is hereby, authorized to remove from its frame the picture now suspended in one of the committee rooms of the House, a picture purporting to be a likeness of Gen. George Washington, and that he dispose of the same by rolling the canvass up and depositing it in the state library room.

Mr. Felch, from former notice given, asked and obtained leave to bring in a bill entitled “A bill to provide for the disposal of the surplus revenue,” which was read the first and second time.

Mr. Alden moved that the bill be committed to a committee of the whole, which was accepted by the mover of the bill.

Mr. Ward moved to commit the same to the committee of ways and means.

Mr. Burbank moved to commit to a select committee, which was agreed to.

The Chair announced the following as said committee: Messrs. Burbank, Felch, Ward, Alden, Job Smith.

Mr. Wing asked and obtained leave to bring in a bill entitled “A bill to amend an act entitled ‘An act to alter the terms of the circuit courts in the first circuit,’” which was read the first and second time.

The twenty-second rule being suspended, said bill was read a third time and passed.

The bill from the Senate entitled "A bill to amend 'An act relative to the city of Detroit, and the several acts amendatory thereto,' " was taken up for consideration, and after sundry amendments, on motion, said bill was ordered to be read a third time.

The above bill being under consideration, was read a third time and passed.

The following communication was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill entitled "A bill to authorize the president and trustees of St. Joseph to contract a loan," and "A resolution relative to the River Raisin and Lake Erie railroad company," in which bill and resolution, the concurrence of the House of Representatives is respectfully requested. I also return with an amendment, the resolution relative to the appointment of Bank Commissioner.

The joint resolution relative to the appointment of Bank Commissioner, with an amendment thereto by the Senate, was taken up and concurred in. Said resolution as amended passed.

The joint resolution from the Senate relative to the River Raisin and Lake Erie railroad company, was taken up, and on motion, laid upon the table.

The bill from the Senate, entitled "A bill to authorize the president and trustees of St. Joseph to contract a loan," was taken up and read the first and second time.

The twenty-second rule being suspended, said bill was read a third time and passed.

Mr. Wing, upon leave granted, presented a remonstrance from sundry citizens of Monroe, relative to the incorporation of said village, which was laid upon the table.

On motion of Mr. Felch, the House resolved itself into a committee of the whole, Mr. Cressey in the chair, on the bill from the Senate, entitled "A bill to incorporate the city of Monroe," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

The Chair announced that the time had arrived, in accordance with the resolution this day adopted, for both branches of the legislature to meet in the hall of the House of Representatives, to receive a nomination from the Executive for the office of Bank Commissioner.

On motion of Mr. Lothrop, a committee of two was appointed, consisting of Messrs. Lothrop and Felch, to wait upon the Senate and inform them that the House were ready to meet with the Senate in the hall of the House of Representatives, to receive a nomination from the Executive for the office of Bank Commissioner.

IN JOINT ASSEMBLY.

The Senate having been conducted to seats,

On motion of Mr. Ward, a committee of three was appointed consisting of Messrs. Hough (of the Senate,) Alden and Purdy, (of the House of Representatives,) to wait upon his excellency the Governor, and inform him that both branches of the legislature were in convention, ready to receive any communication he might see fit to make.

Mr. Alden, from the select committee appointed to wait on his excellency the Governor, reported that they had executed the duty assigned to them, and had received for answer that he would communicate forthwith.

The following communication was received from the Executive by Mr. Pritchette, Secretary of State :

*To the Senate and House of Representatives :*

I hereby nominate Edwin N. Bridges to the office of Bank Commissioner for the state of Michigan.

STEVENS T. MASON.

*March 17, 1837.*

Mr. Lothrop offered the following resolution :

*Resolved by the Senate and House of Representatives of the State of Michigan, (in joint meeting) that we do advise and consent to the appointment of Edwin N. Bridges, for Bank Commissioner of the state of Michigan, for two years from the date of his appointment.*

The question being upon the adoption of the above resolution,

it was, on motion of Mr. Ellis, (of the Senate) decided by yeas and nays in the affirmative, as follows :

YEAS.

*Of the Senate,*

Mr. Barry,	Mr. Davis,	Mr. McKey,
Mr. Britain,	Mr. Ellis,	Mr. Moore,
Mr. Clark,	Mr. Hough,	Mr. Rumsey,
Mr. Comstock,	Mr. Kercheval,	Mr. Summers,
Mr. Cooper,	Mr. Manning,	

*Of the House of Representatives,*

Mr. Alden,	Mr. Foote,	Mr. Mosely,
Mr. Almy,	Mr. Gilbert,	Mr. Purdy,
Mr. Brown,	Mr. Herrington,	Mr. Phillips,
Mr. Bingham,	Mr. Haskins,	Mr. Job Smith,
Mr. Burbank,	Mr. Heath,	Mr. Jos. Smith,
Mr. Butler,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Ballard,	Mr. King,	Mr. Thayer,
Mr. Cressey,	Mr. Lee,	Mr. Wing,
Mr. Calkin,	Mr. Lothrop,	Mr. Wisner,
Mr. Cornell,	Mr. Levake,	Mr. Ward,
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,
Mr. Ferrington,	Mr. Monfore,	Mr. Speaker,
Mr. Felch,	Mr. McKeen,	

52

NAYS.

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The Chair announced that Edwin N. Bridges, having received a majority of all the votes, was therefore duly elected.

On motion, the convention then adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Mosely, from former notice given, asked and obtained leave to bring in a bill entitled "An act in addition to an act entitled an act to amend an act entitled an act to incorporate the Detroit and Pontiac railroad company," which was read the first and second time and laid upon the table.

On motion, adjourned.

AFTERNOON SESSION.

The bill entitled "A bill to incorporate the village of Pontiac," being under consideration,

The question being upon the amendment made by the House to said bill to strike out the words "one year," in the nineteenth

section, and insert "six months" in lieu thereof, the House, on motion, receded from said amendment.

On motion of Mr. Levake, the communication presented yesterday from the Auditor General, with the accompanying documents, were referred to the committee on the judiciary.

The bill entitled "A bill to incorporate the Detroit and Clinton river canal company," being under consideration,

Mr. Burbank moved that the bill be laid upon the table, which was negatived.

Mr. Butler moved that the bill be engrossed for a third reading.

Mr. McKeen moved that the bill be laid upon the table, which was agreed to.

The following communication was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill, which has passed the Senate, entitled "A bill to authorize the supervisors of the county of Washtenaw to raise a certain sum of money," also, "A resolution relative to imprisonment for debt." I also herewith return the following bills, viz: "A bill to incorporate the Adrian and Coldwater turnpike road company;" "A bill authorizing the supervisors of any organized counties in the state, to loan money for the purpose of erecting county buildings, and for other purposes," and "A bill to organize certain townships," with amendments, in which the concurrence of the House of Representatives is respectfully requested. I also return without amendment, the bills entitled "A bill to provide for the renewal of sheriff's bonds," and "A bill to amend an act entitled 'An act concerning mortgages.'"

I am also directed to inform the House of Representatives that the Senate have agreed to a committee of conference on their part, on the disagreement between the two houses on the bill entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," and that Messrs. Davis, Barry and Moore, have been appointed said committee on the part of the Senate, and that they respectfully ask the appointment of a similar committee on the part of the House.

On motion of Mr. Lothrop, a committee of conference was ap-

pointed on the part of the House, to the bill entitled "A bill to provide for the construction of certain works of internal improvement and for other purposes," consisting of Messrs. Felch, Monfore and Ward.

The bill entitled "A bill to organize certain townships and for other purposes," with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

The bill entitled "A bill authorizing the supervisors of any organized county in the state to loan money for the purpose of erecting county buildings, and for other purposes," with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

The joint resolution from the Senate, relative to imprisonment for debt, was taken up and concurred in.

The bill from the Senate entitled "A bill to authorize the supervisors of the county of Washtenaw to raise a certain sum of money," was taken up and read the first and second time and committed to the committee on the judiciary.

On motion of Mr. Jos. Smith, the bill entitled "A bill to amend an act entitled 'An act to create a fund for the benefit of certain moneyed corporations, and for other purposes,'" was taken up and read a third time.

Mr. Lothrop moved to fill the blank in the first section of said bill with the words "one thousand."

Mr. Ward moved to amend by inserting the words "fifteen hundred."

The question being upon filling the blank with "fifteen hundred," it was, on motion of Mr. Burbank, decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Alden,  
Mr. Butler,

Mr. Levake,  
Mr. Martin,

Mr. Ward,

5

NAYS.

Mr. Almy,  
Mr. Brown,  
Mr. Bingham,

Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,

Mr. McKeen,  
Mr. Mosely,  
Mr. Purdy,

Mr. Burbank,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,  
Mr. Felch,

Mr. Howe,  
Mr. Haskins,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Monfore,

Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Wisner,  
Mr. Yerkes,  
Mr. Speaker,

32

The question recurring on filling the blank with "one thousand," it was agreed to.

Said bill as amended, passed.

The bill entitled "A bill to incorporate the Adrian and Coldwater turnpike road company," with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

The joint resolution entitled "A joint resolution relative to the time of the adjourned session of the legislature," with an amendment made thereto by the Senate, was taken up and concurred in.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled "A bill to incorporate the Michigan mutual fire insurance company," with sundry amendments, in which the concurrence of the House of Representatives is respectfully requested.

The bill entitled "A bill to incorporate the Michigan mutual fire insurance company," with sundry amendments made thereto by the Senate, was taken up and concurred in.

Said bill as amended, passed.

The bill entitled "A bill to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse Point road on Lake St. Clair,'" being under consideration, was ordered to be engrossed for a third reading.

The bill from the Senate entitled "A bill to incorporate the city of Monroe," being under consideration, was read a third time and passed.

On motion, Mr. Lothrop, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to



amend an act entitled 'An act concerning deeds and conveyances,' " which was read the first and second time and laid upon the table.

The bill entitled "A bill to repeal an act entitled 'An act to provide for establishing seats of justice,' " was taken up for consideration, and after sundry amendments,

On motion, said bill was ordered to be engrossed and read a third time.

The engrossed bill as above being under consideration, was read a third time and passed.

On motion of Mr. Lothrop, the title of said bill was amended so as to read "A bill to amend an act entitled 'An act to repeal an act entitled 'An act to provide for establishing seats of justice.''"

On motion, adjourned.

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*Saturday, March 18.*

The roll being called, the following members were absent: Messrs. Alden, Burke, Cressey, Farrington, Levake, Purdy, Jos. Smith, Thayer.

The journal of the previous day having been read,

Mr. Burbank, from the select committee, to which was committed the bill entitled "A bill to provide for the disposition of the surplus revenue," reported the same to the House without amendment.

Mr. Kingsley, from the committee on the judiciary, to which was committed the bill from the Senate entitled "A bill to authorize the supervisors of the county of Washtenaw to raise a certain sum of money," reported the same to the House without amendment.

Also, reported a bill entitled "A bill to amend an act entitled 'An act concerning the Attorney General and District Attorneys,' " which was read the first and second time.

Also, reported a resolution entitled "A resolution relative to the state tax in the county of Chippewa."

Mr. McGaffey, from the committee on the judiciary, reported a bill entitled "A bill to provide for the salaries of certain officers," which was read the first and second time.

The twenty-second rule being suspended, said bill was read a third time and passed.

The bill entitled "A bill to amend an act entitled 'An act concerning deeds and conveyances,'" being under consideration, was read a third time and passed.

The bill entitled "A bill to amend an act entitled 'An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,'" was taken up for consideration.

On motion, said bill was ordered to be engrossed and read a third time.

The joint resolution from the Senate entitled "A resolution relative to the River Raisin and Lake Erie railroad company," was taken up and read the first and second time.

Mr. Wing moved to amend the same by inserting after the word "legal," the words "or equitable," which was agreed to.

The Speaker (Mr. Lothrop in the chair,) moved to amend the same by inserting the following, to stand as a substitute :

"That the Attorney General be, and he is hereby, instructed to commence proceedings against the River Raisin and Lake Erie railroad company, for a violation of their charter, by quo warranto, or otherwise, as he shall deem advisable."

Mr. Felch moved, as an amendment to the amendment, to insert the words, "if in his opinion such process can be sustained," which was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows :

#### YEAS.

Mr. Almy,  
Mr. Burbank,  
Mr. Colbath,  
Mr. Ely,

Mr. Felch,  
Mr. Foote,  
Mr. Heath,  
Mr. King,

Mr. Mosely,  
Mr. Phillips,  
Mr. Wisner,

11

#### NAYS.

Mr. Alden,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Cornell,

Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Munger,  
Mr. Martin,

Mr. McKeen,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Jos. Smith,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wing,

Mr. Eldred,  
Mr. Ferrington,  
Mr. Gilbert,

Mr. Monfore,  
Mr. McGaffey,

Mr. Yerkes,  
Mr. Speaker,

31

The question recurring on the amendment offered by the Speaker, it was adopted.

The twenty-second rule being suspended, said resolution as amended, was read a third time and passed.

The following communications were received from the Senate through their secretary :

**Mr. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled “ A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature ;” and also return the bill entitled “ A bill to incorporate the city of Monroe,” with certain amendments to the amendments made thereto by the House of Representatives, in which bill and amendments the concurrence of the House is respectfully requested. I also return, without amendment, the bill entitled “ A bill to incorporate the Pontiac and Huron river canal company ;” and I am also directed to inform the House of Representatives, that Messrs. McDonell, Kercheval and Ellis, have been appointed a committee of conference on the part of the Senate, on the disagreement between the two Houses on the bill entitled “ A bill to amend ‘ An act relative to the city of Detroit, and the several acts amendatory thereto,’ ” and that the Senate respectfully request the appointment of a similar committee on the part of the House of Representatives.

**Mr. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit two bills which have passed the Senate, entitled “ A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timber road company,” and “ A bill to incorporate the Owasso and Saginaw navigation company,” in which the concurrence of the House of Representatives is respectfully requested. I am also directed to inform the House of Representatives, that Messrs. Summers, Britain and Clark, have been appointed a committee of conference on the part of the Senate, on the disagreement between the two Houses on the bill entitled “ A bill

granting to Norman Nash and Nicholas Ayrault, the right to keep and maintain a ferry across the St. Clair river."

The engrossed bill entitled "A bill to incorporate the Marshall literary institute," was taken up for consideration.

On motion of the Speaker, (Mr. Lothrop in the chair,) the thirty-fourth rule being suspended, the vote on the engrossment and third reading of the above bill, was reconsidered.

On motion, said bill was recommitted to a select committee, consisting of Messrs. Ely, Butler, Alden.

The following communication was received from the Senate through their secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled "A bill to provide for taking the census," with certain amendments proposed to said bill by the committee of conference, and which have been concurred in by the Senate, and in which they also respectfully ask the concurrence of the House of Representatives.

The bill entitled "A bill to incorporate the city of Monroe," with sundry amendments made thereto by the Senate to amendments made by the House, was taken up.

The question being upon concurring in the first, third, fifth, sixth, seventh and eighth amendments made by the Senate, they were non-concurred in.

The question being upon concurring in the second and fourth amendments, they were concurred in.

The bill entitled "A bill to provide for taking the census," with the report of the committee of conference, transmitted from the Senate, was taken up and concurred in.

Said bill as amended, passed.

The bill from the Senate entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," was taken up and read the first and second time, and committed to the committee on expenditures.

The bill from the Senate entitled "A bill to incorporate the Owasso and Saginaw navigation company," was taken up and read the first and second time, and committed to the committee on internal improvement.

Also, the bill from the Senate entitled "A bill to incorporate

the Detroit, Plymouth and Ann Arbor turnpike or timber road 'company," was taken up, and read the first and second time, and committed as above.

On motion, the tenth joint rule was suspended.

On motion, adjourned.

#### AFTERNOON SESSION.

On motion, a committee of conference was appointed on the part of the House, on the disagreement to the bill entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," consisting of Messrs. Brown, Lothrop and Butler.

Mr. Ely, from the select committee to which was committed the bill entitled "A bill to incorporate Michigan college," reported the same to the House, with sundry amendments, and with the title amended so as to read "A bill to incorporate Marshall college," which was concurred in.

On motion, said bill was ordered to be engrossed and read a third time.

The engrossed bill as above being under consideration, was read a third time.

Mr. Almy moved that the bill be laid upon the table, which was negatived.

The question recurring upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

#### YEAS.

Mr. Bingham,	Mr. Foote,	Mr. Monfore,
Mr. Burbank,	Mr. Gilbert,	Mr. McGaffey,
Mr. Butler,	Mr. Herrington,	Mr. Mosely,
Mr. Calkin,	Mr. Haskins,	Mr. Purdy,
Mr. Cornell,	Mr. Kingsley,	Mr. Phillips,
Mr. Eldred,	Mr. King,	Mr. Wing,
Mr. Ely,	Mr. Lothrop,	Mr. Wisner,
Mr. Felch,	Mr. Levake,	Mr. Speaker,

24

#### NAYS.

Mr. Almy,	Mr. Ferrington,	Mr. McKeen,
Mr. Brown,	Mr. Howe,	Mr. Job Smith,
Mr. Ballard,	Mr. Lee,	Mr. Shattuck,
Mr. Cressey,	Mr. Munger,	Mr. Shellhouse,
Mr. Colbath,	Mr. Martin,	Mr. Ward,

15

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the following bills, viz : “ A bill to provide for the election of state officers,” and “ A bill to incorporate the Grand rapids bridge company,” with amendments, in which the concurrence of the House is respectfully requested.

The following communications were received from the Executive by Mr. Pritchette, Secretary of State :

*To the House of Representatives :*

I have this day approved and filed in the office of Secretary of State the following acts, viz : “ An act appointing commissioners to lay out and establish certain state roads ;” “ An act to repeal the ninth section of ‘ An act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases, approved April 23, 1833 ;’ ” and “ An act to amend an act entitled ‘ An act to incorporate the trustees of the Spring Arbor seminary, approved March 23, 1835.’ ”

STEVENS T. MASON.

*March 17, 1837.*

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State the following acts, viz : “ An act to provide for the organization and government of the university of Michigan ;” “ An act to authorize and regulate limited partnerships ;” “ An act to incorporate the Dowagiac hydraulic company ;” “ An act to organize the counties of Ionia and Van Buren ;” “ An act to amend an act entitled ‘ An act to regulate highways ;’ ” “ An act to authorize the president and trustees of the village of Niles to loan a certain sum of money therein named ;” “ An act to provide for the relief of Thomas Snyder ;” “ An act to amend an act entitled ‘ An act to incorporate the village of Niles ;’ ” “ An act to amend ‘ An act appointing commissioners to lay out and establish certain state roads,’ approved July 20th, 1836 ;” “ An act to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes ;” “ An act to authorize the president and trustees of the village of St. Joseph to borrow

a certain sum of money ;” “ An act for the relief of Martin Kundig ;” and “ An act to attach a certain township in the county of Livingston, for township government, to the township of Hartland.”

STEVENS T. MASON.

*March, 18, 1837.*

Mr. Felch, from the committee of conference appointed on the bill entitled “ A bill to provide for the construction of certain works of internal improvement, and for other purposes,” reported the same to the House, with sundry amendments, which were concurred in.

The question being upon the final passage of said bill as amended, it was, on motion of Mr. Burbank, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Foote,	Mr. McGaffey,
Mr. Almy,	Mr. Gilbert,	Mr. McKeen,
Mr. Brown,	Mr. Herrington,	Mr. Mosely,
Mr. Bingham,	Mr. Howe,	Mr. Purdy,
Mr. Burbank,	Mr. Haskins,	Mr. Job Smith,
Mr. Butler,	Mr. Kingsley,	Mr. Shattuck,
Mr. Ballard,	Mr. King,	Mr. Jos. Smith,
Mr. Cressey,	Mr. Lee,	Mr. Shellhouse,
Mr. Calkin,	Mr. Lothrop,	Mr. Wing,
Mr. Cornell,	Mr. Levake,	Mr. Wisner,
Mr. Colbath,	Mr. Munger,	Mr. Ward,
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,
Mr. Ely,	Mr. Monfore,	Mr. Speaker,
Mr. Felch,		

40

NAYS.

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The engrossed bill entitled “ A bill to amend an act entitled ‘ An act to extend Jefferson avenue to the intersection of the present Grosse Point road on Lake St. Clair,’ ” being under consideration, was read a third time and passed.

The following communication was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives the bill entitled “A bill to provide for the construction of certain works of internal

improvement, and for other purposes," with an amendment as a substitute to said bill, reported by the committee of conference on said bill, in which the Senate have concurred, and in which they also respectfully ask the concurrence of the House.

The bill entitled "A bill to provide for the disposition of the surplus revenue," was taken up for consideration.

Mr. Ward moved to strike out of said bill all after the enacting clause.

On motion of Mr. Felch, the further consideration of said bill was postponed.

Mr. Ely, from the committee on internal improvement, to which was committed the bill from the Senate entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timber road company;" also the bill entitled "A bill to incorporate the Owasso and Saginaw navigation company," reported the same to the House without amendment.

The bill entitled "A bill to incorporate the Detroit and Clinton river canal company," was taken up for consideration.

Mr. Calkin moved to strike out all of said bill after the enacting clause.

Mr. Lothrop moved to amend the amendment by recommitting the bill to the committee on internal improvement, with instructions to insert, "that the shares of the stock of the company be sold at public auction, and the proceeds, exceeding the par value of the stock, be paid into the treasury of the state."

Mr. Burbank moved to amend the amendment to recommit, by inserting in line six, section three, after the word "county," the words "thence up said Clinton river a canal or slack water navigation to the mouth of Paint creek, in the county of Oakland;" also, in line two, section twenty-one, after the word "company," insert, "or so much thereof only as shall be constructed along the valley of the said Clinton river," which was negatived.

The question being upon the amendment offered by Mr. Lothrop to recommit, it was negatived.

The Speaker (Mr. Felch in the chair,) moved the previous question, for the engrossment and third reading of said bill, which was agreed to.

The question being upon the engrossment and third reading of



said bill, it was, on motion of Mr. Calkin, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Felch,	Mr. Mosely,
Mr. Almy,	Mr. Herrington,	Mr. Purdy,
Mr. Brown,	Mr. Howe,	Mr. Job Smith,
Mr. Burbank,	Mr. Haskins,	Mr. Shattuck,
Mr. Butler,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Ballard,	Mr. King,	Mr. Wing,
Mr. Cressey,	Mr. Lothrop,	Mr. Wisner,
Mr. Cornell,	Mr. Levake,	Mr. Ward,
Mr. Colbath,	Mr. Munger,	Mr. Yerkes,
Mr. Ely,	Mr. Martin,	Mr. Speaker,
Mr. Ferrington,	Mr. McKeen,	

32

NAYS.

Mr. Calkin,	Mr. Foote,	Mr. Monfore,
Mr. Eldred,	Mr. Gilbert,	Mr. McGaffey,

6

The engrossed bill, as above, being under consideration, was read a third time.

The question being upon its final passage, it was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Mosely,
Mr. Almy,	Mr. Felch,	Mr. Purdy,
Mr. Brown,	Mr. Herrington,	Mr. Job Smith,
Mr. Burbank,	Mr. Howe,	Mr. Shattuck,
Mr. Butler,	Mr. Kingsley,	Mr. Wing,
Mr. Ballard,	Mr. King,	Mr. Wisner,
Mr. Cornell,	Mr. Levake,	Mr. Yerkes,
Mr. Colbath,	Mr. Munger,	Mr. Speaker,
Mr. Ely,	Mr. Martin,	

26

NAYS.

Mr. Calkin,	Mr. Haskins,	Mr. McGaffey,
Mr. Eldred,	Mr. Lothrop,	Mr. McKeen,
Mr. Foote,	Mr. Monfore,	Mr. Jos. Smith,
Mr. Gilbert,		

10

The following communication was received from the Senate, through their secretary :

Mr. SPEAKER—The Senate have passed a bill entitled " A bill to incorporate the Ladies' orphan association of the city of Detroit," in which they respectfully ask the concurrence of the House.

The bill entitled "A bill to incorporate the Grand Rapids bridge company," with amendments made thereto by the Senate, was taken up and concurred in. Said bill, as amended, passed.

The bill entitled "A bill to provide for the disposal of the surplus revenue," was taken up for consideration, and after sundry amendments made thereto,

On motion, said bill was ordered to be engrossed and read a third time.

The engrossed bill, as above, being under consideration, was read a third time and passed.

The bill entitled "An act in addition to an act entitled 'An act to amend an act entitled 'An act to incorporate the Detroit and Pontiac railroad company,''" was taken up for consideration.

On motion, said bill was recommitted to the committee on banks and incorporations.

On motion, adjourned until 7 o'clock this evening.

#### EVENING SESSION.

The following communication was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill, entitled "A bill for the regulation of internal improvements, and for the appointment of a board of commissioners," with sundry amendments. I also transmit the bill, entitled "A bill to amend 'An act relative to the city of Detroit, and the several acts amendatory thereto,'" with an amendment as a substitute for said bill, reported by a committee of conference on said bill, in which the Senate have concurred; and I also return the bill, entitled "A bill granting to Norman Nash and Nicholas Ayrault, the right to keep and maintain a ferry across the St. Clair river," with amendments, reported by the committee of conference on said bill, in which the Senate have also concurred, and in all of which amendments they respectfully ask the concurrence of the House of Representatives.

On motion, Mr. Lothrop, the twenty-first rule being suspended, asked and obtained leave to bring in a bill entitled "A bill to amend an act entitled 'An act to construct dams and improve

the navigation of certain rivers,' approved March 24th, 1836," which was read the first and second time.

The twenty-second rule being suspended, said bill was ordered to be engrossed and read a third time to-day.

The engrossed bill, as above, being under consideration, was read a third time and passed.

The bill entitled " A bill to amend an act entitled ' An act concerning the Attorney General and District Attorneys,' " being under consideration,

Mr. McGaffey moved to strike out all after the enacting clause, which was agreed to.

The joint resolution, entitled " A resolution to remit the payment of a state tax by the inhabitants of the counties of Chippewa and Mackinac," was taken up for consideration.

On motion, said resolution was ordered to be engrossed for a third reading.

The twenty-second rule being suspended, the engrossed resolution, as above, being under consideration, was read a third time and passed.

The bill from the Senate entitled " A bill to incorporate the Ladies' orphan association of the city of Detroit," was taken up and read the first and second time.

Mr. Wing moved to commit the bill to the committee on internal improvement.

On motion,

The House resolved itself into a committee of the whole, Mr. Alden in the chair, on the above named bill, and after spending some time therein, the committee rose and reported the same to the House without amendment.

On motion, said bill was ordered to be read a third time.

The twenty-second rule being suspended, said bill was read a third time, and, on motion, laid upon the table.

The bill entitled " A bill for the regulation of internal improvements and for the appointment of a board of commissioners," with sundry amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the first amendment

made by the Senate to strike out in section two, lines two and three, the words "elected by both houses of the legislature in joint meeting," and insert in lieu thereof the words "appointed by the Governor, by and with the advice and consent of the Senate,"

Mr. McKeen moved to amend the amendment by striking out the words, "the Senate," and insert the words, "both branches of the legislature," in lieu thereof, which was agreed to.

The question being upon the amendment as amended, it was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Foote,	Mr. Monfore,
Mr. Almy,	Mr. Gilbert,	Mr. Mosely,
Mr. Brown,	Mr. Herrington,	Mr. Purdy,
Mr. Bingham,	Mr. Howe,	Mr. Phillips,
Mr. Butler,	Mr. Haskins,	Mr. Job Smith,
Mr. Ballard,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Calkin,	Mr. King,	Mr. Wing,
Mr. Cornell,	Mr. Lee,	Mr. Wisner,
Mr. Ely,	Mr. Levake,	Mr. Ward,
Mr. Ferrington,	Mr. Munger,	Mr. Speaker,
		30

## NAYS.

Mr. Burbank,	Mr. Felch,	Mr. McGaffey,
Mr. Cressey,	Mr. Heath,	Mr. McKeen,
Mr. Colbath,	Mr. Lothrop,	Mr. Yerkes,
Mr. Eldred,		
		10

The question being upon concurring in the second, third, fourth, fifth and sixth amendments by the Senate, to said bill, they were severally concurred in. Said bill as amended, passed.

On motion, adjourned.

*Monday, March 20.*

The roll being called, the following members were absent : Messrs. Farrington, Kellogg, Monfore, Mosely, Phillips.

The following message from the Senate, was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bills, entitled "A bill to locate the university of Mi-

chigan," and "A bill to amend an act entitled 'An act to construct dams and improve the navigation of certain rivers,' approved March 24, 1836," without amendment: I also return the bill, entitled "A bill authorizing the building of certain dams therein named," with sundry amendments, in which the concurrence of the House of Representatives is respectfully requested. I am also directed to inform the House of Representatives that the Senate have concurred in the resolution from the House relative to a suspension of the tenth joint rule.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the following named bills: "An act to provide for the construction of certain works of internal improvement, and for other purposes;" "An act to provide for taking the census;" "An act to amend an act entitled 'An act concerning mortgages;'" "An act to provide for the renewal of sheriffs' bonds;" "An act to organize certain townships, and for other purposes;" "An act amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes;'" "An act to locate the university of Michigan;" "An act to incorporate the village of Pontiac;" "An act authorizing the supervisors of any organized county in the state to loan money for the purpose of erecting county buildings, and for other purposes;" "An act to provide for the organization and support of primary schools;" "A joint resolution relative to the adjourned session of the legislature."

Mr. Kingsley, from the committee on the judiciary, made the following report, which was read and adopted.

#### **REPORT:**

The judiciary committee, to which was referred several petitions, praying for the repeal of a law passed March 21st, 1836, by which the county seat of the county of Lenawee was vacated and established at Adrian, report, that they have heard the reasons why said petitioners claim that said law should be repealed, but have not seen sufficient cause to induce them to recommend the repeal of said law.

Mr. Heath, from the committee of conference, appointed upon the bill, entitled "A bill to authorize Norman Nash and Nicholas Ayrault to keep and maintain a ferry across the St. Clair

river," reported the same to the House with sundry amendments, which were concurred in.

Mr. Howe, from the committee on expenditures, to which was committed the bill from the Senate, entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," reported the same to the House without amendment.

The Chair presented the following communication from the Historical society of Michigan, which was read and laid upon the table:

At a meeting of the Historical society of Michigan, held on the 18th day of March, 1837, H. R. Schoolcraft, president, in the chair,

*Resolved*, That letters be addressed to the President of the Senate and the Speaker of the House of Representatives of Michigan, respectfully asking them to aid the Historical society, in such way as they may deem most fit and expedient, to obtain from the members of the honorable bodies over which they preside, such facts relative to the first settlement of the counties and towns in this state, as may be worthy of record and preservation; to be transmitted in the course of the ensuing season, to the corresponding secretary thereof.

C. C. TROWBRIDGE,

*Rec. Sec. pro tem.*

Mr. Wing moved the reconsideration of the vote taken on the final passage of the bill entitled "A bill to incorporate the Detroit and Clinton river canal company," which was agreed to.

The question being upon the final passage of said bill (requiring a vote of two-thirds,) it was decided by yeas and nays in the negative, as follows:

#### YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cornell,  
Mr. Ferrington,

Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kingsley,  
Mr. Lee,  
Mr. Levake,  
Mr. Martin,  
Mr. Purdy,

Mr. Job Smith,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker,

NAYS.

Mr. Bingham,	Mr. Foote,	Mr. McGaffey,
Mr. Calkin,	Mr. Gilbert,	Mr. McKeen,
Mr. Eldred,	Mr. Heath,	Mr. Phillips,
Mr. Ely,	Mr. King,	Mr. Jos. Smith,
Mr. Felch,	Mr. Lothrop,	Mr. Shellhouse, 15

The bill from the Senate entitled "A bill to authorize the supervisors of the county of Washtenaw to raise a certain sum of money," was taken up, read the third time and passed.

On motion of Mr. Bingham,

The House resolved itself into a committee of the whole, Mr. Almy in the chair, upon the bill from the Senate entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timber road company," and after spending some time therein, the committee rose and through their chairman reported the same to the House without amendment. Said bill was then read the third time and passed.

The bill entitled "A bill to provide for the election of state officers," with an amendment made thereto by the Senate, as a substitute, was taken up and the amendment concurred in. Said bill as amended, was then read the third time and passed.

The bill from the Senate entitled "A bill to incorporate the Ladies' orphan association of the city of Detroit," was taken up for consideration.

On motion of Mr. Felch, said bill was committed to a select committee of three members, with instructions to report the same to the House with the following provisions :

1st. Providing for closing up the concerns, in case of dissolution of said association.

2d. To make all debts a lien on the real estate which said corporation may own, until the same shall be discharged.

The Chair announced Messrs. Felch, Alden and Moseley, as said committee.

The bill entitled "A bill authorizing the construction of certain dams therein named," with sundry amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the amendments made by the Senate, they were concurred in, with the exception of the following, which was non-concurred in :

On motion of Mr. Burbank, the twenty-second rule was sus-



pended for the remainder of the session, and said last named bill was then read the third time and passed.

The following message from the Senate, was received through their secretary :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate non-concur in the amendment made by the House of Representatives, to the first amendment of the Senate to the bill entitled “A bill for the regulation of internal improvements, and for the appointment of a board of commissioners,” and that the Senate insist upon their amendments made to the amendments of the House of Representatives to the bill entitled “A bill to incorporate the city of Monroe.”

The bill entitled “A bill for the regulation of internal improvements, and for the appointment of a board of commissioners,” with an amendment thereto by the House, in which the Senate non-concurred, was taken up.

The question being, on motion of Mr. Alden, that the House recede from their amendment, it was negatived.

On motion, a committee of conference was appointed on the above bill, consisting of Messrs. Bingham, Ward, Lothrop.

The bill entitled “A bill to incorporate the city of Monroe,” with sundry amendments thereto by the Senate, in which the House had non-concurred, and the Senate insisted, was taken up.

On motion, a committee of conference was appointed on said bill, consisting of Messrs. Wing, Alden and Brown.

On motion of Mr. Butler, the petitioners for Marshall college have leave to withdraw their petition.

The “Bill to amend the several acts relative to the city of Detroit,” with the amendment reported by the committee of conference was taken up, and the amendments concurred in.

Said bill as amended, was then read the third time and passed.

The “Bill to authorize Norman Nash and Nicholas Ayrault to keep and maintain a ferry across the St. Clair river,” with the amendments reported by the committee of conference, was taken up, and the amendments concurred in.

Said bill as amended, was then read the third time and passed.

On motion of Mr. Burbank, the twenty-first rule was sus-

## NAYS.

Mr. Monfore,

1

On motion of Mr. Ward,

*Resolved by the House of Representatives,* That a committee of five, composed of one representative from each senatorial district, be appointed to examine the accounts of the Treasurer and Auditor General of the state of Michigan, and report at the adjourned session of the legislature.

The joint resolution from the Senate, "A resolution relative to the revision of the laws, and for other purposes," was taken up, and read the first and second time.

The rule having been heretofore suspended, said resolution was, on motion, read the third time and passed.

The bill from the Senate, entitled "A bill making appropriations in part for the year 1837, and for the pay of the officers and members of the legislature," being under consideration, was ordered to be read a third time.

Mr. Alden moved to amend the same by striking out the word "six" in the second section, and insert "five" in lieu thereof, which, on motion of Mr. Bingham, was decided by yeas and nays in affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ferrington,

Mr. Felch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kingsley,  
Mr. Lee,

Mr. Martin,  
Mr. McGaffey,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Yerkes,

23

## NAYS.

Mr. Almy,  
Mr. Brown,  
Mr. Butler,  
Mr. Burke,  
Mr. Ely,  
Mr. Heath,

Mr. King,  
Mr. Lothrop,  
Mr. Levake,  
Mr. Munger,  
Mr. Monfore,  
Mr. McKeen,

Mr. Mosely,  
Mr. Job Smith,  
Mr. Jos. Smith,  
Mr. Wing,  
Mr. Wisner,

17

Said bill was then read the third time and passed.

Mr. Almy laid upon the table the following :

*Resolved,* That Messrs. King and Levake, members of this

House from the counties of Mackinac and Chippewa, be, and they are hereby, allowed the per diem pay for fifty days each, extra, over and above the time which may be allowed to them for their respective attendance at this session of the legislature.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Kingsley in the chair, upon the bill, "A bill to incorporate the Bank of the commonwealth of Michigan," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

Mr. Ward moved to postpone the further consideration of the above bill until the fourth day of July next, and, on motion of Mr. Bingham, the question was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Bingham,	Mr. Foote,	Mr. Purdy,	
Mr. Butler,	Mr. Gilbert,	Mr. Phillips,	
Mr. Calkin,	Mr. Haskins,	Mr. Wisner,	
Mr. Eldred,	Mr. Lothrop,	Mr. Ward,	
Mr. Ely,	Mr. McKeen,	Mr. Yerkes,	15

NAYS.

Mr. Alden,	Mr. Herrington,	Mr. McGaffey,	
Mr. Almy,	Mr. Howe,	Mr. Mosely,	
Mr. Brown,	Mr. Heath,	Mr. Job Smith,	
Mr. Burbank,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Ballard,	Mr. King,	Mr. Jos. Smith,	
Mr. Cressey,	Mr. Lee,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Levake,	Mr. Thayer,	
Mr. Colbath,	Mr. Munger,	Mr. Wing,	
Mr. Ferrington,	Mr. Martin,	Mr. Speaker,	
Mr. Felch,			28

Mr. Cornell moved that said bill be laid upon the table, and, on motion of Mr. Bingham, the question was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Foote,	Mr. Purdy,
Mr. Almy,	Mr. Herrington,	Mr. Phillips,
Mr. Brown,	Mr. Howe,	Mr. Job Smith,
Mr. Bingham,	Mr. Heath,	Mr. Shattuck,
Mr. Burbank,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Butler,	Mr. King,	Mr. Shellhouse,

## NAYS.

Mr. Monfore,

1

On motion of Mr. Ward,

*Resolved by the House of Representatives,* That a committee of five, composed of one representative from each senatorial district, be appointed to examine the accounts of the Treasurer and Auditor General of the state of Michigan, and report at the adjourned session of the legislature.

The joint resolution from the Senate, "A resolution relative to the revision of the laws, and for other purposes," was taken up, and read the first and second time.

The rule having been heretofore suspended, said resolution was, on motion, read the third time and passed.

The bill from the Senate, entitled "A bill making appropriations in part for the year 1837, and for the pay of the officers and members of the legislature," being under consideration, was ordered to be read a third time.

Mr. Alden moved to amend the same by striking out the word "six" in the second section, and insert "five" in lieu thereof, which, on motion of Mr. Bingham, was decided by yeas and nays in affirmative, as follows :

## YEAS.

Mr. Alden,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ferrington,

Mr. Felch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Kingsley,  
Mr. Lee,

Mr. Martin,  
Mr. McGaffey,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Yerkes,

23

## NAYS.

Mr. Almy,  
Mr. Brown,  
Mr. Butler,  
Mr. Burke,  
Mr. Ely,  
Mr. Heath,

Mr. King,  
Mr. Lothrop,  
Mr. Levake,  
Mr. Munger,  
Mr. Monfore,  
Mr. McKeen,

Mr. Mosely,  
Mr. Job Smith,  
Mr. Jos. Smith,  
Mr. Wing,  
Mr. Wisner,

17

Said bill was then read the third time and passed.

Mr. Almy laid upon the table the following :

*Resolved,* That Messrs. King and Levake, members of this

House from the counties of Mackinac and Chippewa, be, and they are hereby, allowed the per diem pay for fifty days each, extra, over and above the time which may be allowed to them for their respective attendance at this session of the legislature.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Kingsley in the chair, upon the bill, "A bill to incorporate the Bank of the commonwealth of Michigan," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

Mr. Ward moved to postpone the further consideration of the above bill until the fourth day of July next, and, on motion of Mr. Bingham, the question was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Bingham,	Mr. Foote,	Mr. Purdy,	
Mr. Butler,	Mr. Gilbert,	Mr. Phillips,	
Mr. Calkin,	Mr. Haskins,	Mr. Wisner,	
Mr. Eldred,	Mr. Lothrop,	Mr. Ward,	
Mr. Ely,	Mr. McKeen,	Mr. Yerkes,	15

NAYS.

Mr. Alden,	Mr. Herrington,	Mr. McGaffey,	
Mr. Almy,	Mr. Howe,	Mr. Mosely,	
Mr. Brown,	Mr. Heath,	Mr. Job Smith,	
Mr. Burbank,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Ballard,	Mr. King,	Mr. Jos. Smith,	
Mr. Cressey,	Mr. Lee,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Levake,	Mr. Thayer,	
Mr. Colbath,	Mr. Munger,	Mr. Wing,	
Mr. Ferrington,	Mr. Martin,	Mr. Speaker,	
Mr. Felch,			28

Mr. Cornell moved that said bill be laid upon the table, and, on motion of Mr. Bingham, the question was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Foote,	Mr. Purdy,
Mr. Almy,	Mr. Herrington,	Mr. Phillips,
Mr. Brown,	Mr. Howe,	Mr. Job Smith,
Mr. Bingham,	Mr. Heath,	Mr. Shattuck,
Mr. Burbank,	Mr. Kingsley,	Mr. Jos. Smith,
Mr. Butler,	Mr. King,	Mr. Shellhouse,

Mr. Ballard,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,

Mr. Lee,  
Mr. Lothrop,  
Mr. Martin,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Mosely,

Mr. Thayer,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Yerkes,  
Mr. Speaker,

37

## NAYS.

Mr. Burke,  
Mr. Calkin,  
Mr. Colbath,

Mr. Gilbert,  
Mr. Haskins,

Mr. Levake,  
Mr. Munger,

7

The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return a bill entitled “ A bill to incorporate the Detroit and Clinton river canal company,” the Senate having, in accordance with the request of the House of Representatives, granted the House leave to withdraw said bill. I am also directed to inform the House of Representatives, that the Senate have concurred in the amendment made by the House of Representatives to the first amendment of the Senate, to the bill entitled “ A bill for the regulation of internal improvements, and for the appointment of a board of commissioners.”

On motion of Mr. Kingsley, the twenty-first rule was suspended, and he asked and obtained leave to bring in “ A bill to amend an act entitled ‘ An act for the regulation of internal improvements, and for the appointment of a board of commissioners.’”

Said bill was read the first and second time, and the twenty-second rule being suspended, it was read the third time and passed.

On motion of Mr. Bingham, the vote upon the final passage of the bill, entitled “ A bill to incorporate the Detroit and Clinton river canal company, was reconsidered.

On motion of Mr. Felch, said bill was laid upon the table.

The engrossed bill, “ A bill to amend an act entitled ‘ An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,” was taken up, read the third time and passed.

Mr. Mosely gave notice that he should, at some future time, ask leave to introduce a bill to construct a canal to unite the Shiawassee with Maple river.

Also, to introduce a bill for improving the middle branch of Bad river, and uniting said river with Pine river, by a canal.

On motion, adjourned until 7 o'clock this evening.

**EVENING SESSION.**

The House met pursuant to adjournment.

The Speaker, (Mr. Felch in the chair,) by unanimous consent, moved to amend the enrolled bill, entitled "An act to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," by striking out in the ninth line of the first section, also, in the ninth line of the third section, the words, "township of Springwells," and insert the words, "county of Wayne," which was agreed to.

On motion of Mr. Wisner, the bill from the Senate, entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," was taken up for consideration.

Mr. Ward moved to amend said bill, by inserting, at the end of the sixth section of said bill, the following: "And said bank shall be subject to the provisions of 'An act to organize and regulate banking associations.'"

On motion of Mr. Bingham, the question was decided by yeas and nays in the affirmative, as follows:

**YEAS.**

Mr. Alden,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,

Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,  
Mr. King,  
Mr. Lothrop,

Mr. Monfore,  
Mr. McGaffey,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Ward,  
Mr. Yerkes,

**25**

**NAYS.**

Mr. Burbank,  
Mr. Cressey,

Mr. Mosely,  
Mr. Wisner,

Mr. Speaker,

**5**

Said bill, as amended, was then read the third time and passed.

The following message was received from the Senate, through their secretary:

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith return a bill, entitled “A bill to incorporate the Gibraltar and Clinton railroad company,” with sundry amendments made thereto by the Senate. I also herewith transmit bills which have passed the Senate, entitled “A bill to incorporate the Brest and Grand river railroad company;” “A bill to incorporate the St. Joseph and Michigan City railroad company;” “A bill to incorporate the Lake Huron and Detroit railroad company;” “A bill to incorporate the New Buffalo and Hudson railroad company;” “A bill to increase the compensation of the supervisors of the several townships of this state.” I also herewith return, without amendment, the bill, entitled “A bill to amend an act entitled ‘An act to incorporate the Michigan and Huron institute.’” I am also directed to inform the House of Representatives, that Messrs. Ellis, Kercheval and Comstock have been appointed a committee of conference on the part of the Senate, on the disagreement between the two Houses on the bill entitled “A bill to incorporate the city of Monroe.”

Mr. Wing, from the committee of conference on the part of the House, on the “Bill to incorporate the city of Monroe,” reported the same to the House with sundry amendments, which were concurred in. Said bill as amended, was then read the third time and passed.

The bill entitled “A bill to incorporate the Gibraltar and Clinton railroad company,” with sundry amendments made thereto by the Senate, was taken up and concurred in, except the following, which were non-concurred in: section twelve, line six, strike out “centum” and insert “per annum:” section twenty-two, strike out the “proviso.”

The bill from the Senate entitled “A bill to increase the compensation of the supervisors of the several townships of this state,” was taken up and considered as in committee of the whole. Said bill, having been read the third time, passed.

The following bills from the Senate were taken up and severally committed to the committee on internal improvement, with instructions to have them conform to the bill entitled “A bill to incorporate the Gibraltar and Clinton railroad company, viz: “A bill to incorporate the Brest and Grand river railroad company;”



“A bill to incorporate the St. Joseph and Michigan City railroad company;” “A bill to incorporate the Lake Huron and Detroit railroad company;” and “A bill to incorporate the New Buffalo and Hudson railroad company.”

On motion, adjourned.

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*Tuesday, March 21.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Ballard, Burke, Farrington, Levake, Munger, McKeen, Mosely, Jos. Smith, Shellhouse.

The Chair announced the following committee to examine the accounts of the Auditor General and state Treasurer, in pursuance of a resolution adopted yesterday: Messrs. Ward, Brown, Felch, Kingsley, and Calkin.

The following messages were received from the Senate through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled “A bill to authorize the sale of certain lands.” I also herewith return the bills entitled “A bill to provide for the salaries of certain officers,” and “A bill granting to Thomas Palmer, James McClannan, and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer,” with amendments; and the bill entitled “A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature,” with an amendment by the Senate to the first amendment of the House, and with the other amendment non-concurred in by the Senate. I also herewith return without amendment the following bills: “A bill to amend an act entitled ‘An act for the regulation of internal improvements, and for the appointment of a board of commissioners;’” “A bill to amend an act entitled ‘An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes;’” “A bill to amend an act entitled ‘An act to alter the terms of the circuit courts in the first circuit;’” “A bill to provide for the enlargement of the state library;” “A bill to amend an act entitled ‘An act to authorize judges of probate to grant license to sell the real estate of mi-

nors and others,' approved July 25, 1836;" and "A bill to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases.'"

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit the following bills, which have passed the Senate, viz: "A bill to incorporate the Tecumseh and Ypsilanti railroad company;" "A bill to incorporate the Lake St. Clair and Frederick railroad company;" "A bill to incorporate the Port Sheldon and Grand rapids bridge company;" "A bill to incorporate the Marshall and Otsego railroad company;" "A bill to incorporate the Pontiac and Shiawassee railroad company;" and "A bill to incorporate the Ann Arbor and Saline river railroad company." I also herewith return, with sundry amendments made thereto by the Senate, the bill entitled "A bill to incorporate the Detroit and Shiawassee railroad company;" and "A bill to incorporate the Saginaw and Genesee railroad company;" and "A bill to incorporate the Ypsilanti and Manchester railroad company."

Mr. Lothrop, from the committee on banks and incorporations, made the following report, which was read and adopted:

#### REPORT.

The committee on banks and incorporations, to which was referred sundry petitions for banks, would report the same to the House without any action thereon, believing that the act to organize and regulate banking associations will enable the citizens of every portion of the state to employ what capital they shall require in banking.

The committee have also had under consideration a petition of sundry citizens of Ann Arbor, for an act of incorporation for manufacturing paper; also, a petition for incorporating the mechanic society of St. Clair county; also, the petition of the Brady guards of the city of Detroit, praying for an act of incorporation, and report adverse to the prayer of the several petitioners.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following named bills and resolution: "An act to incorporate the Pontiac and Huron river canal company;" "An act to amend an act entitled 'An act to construct dams and improve the navigation of certain rivers,' approved March 24, 1836."

**"An act granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river ;" "An act to incorporate the Grand rapids bridge company ;" "An act to incorporate the Adrian and Coldwater turnpike company ;" "An act to incorporate the Michigan mutual fire insurance company ;" "An act to amend 'An act to incorporate the Michigan and Huron institute ;' " "An act to regulate general elections ;" "An act to amend the several acts relative to the city of Detroit ;" "A resolution to remit the payment of a state tax by the inhabitants of the counties of Chippewa and Mackinac."**

The bill from the Senate entitled **"A bill for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter,"** being under consideration, was read a third time and passed.

The following bills, with the amendments made thereto by the Senate, were severally taken up for consideration and the amendments concurred in, viz: **"An act to incorporate the Detroit and Shiawassee railroad company ;" "An act to incorporate the Ypsilanti and Manchester railroad company ;" and "An act to incorporate the Saginaw and Genesee railroad company."**

Said bills as amended, were then read the third time and passed.

The following message was received from the Senate through their secretary:

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled **"A bill making appropriations for the year 1837."** I also herewith return without amendment, the following bills: **"A bill authorizing the construction of a ship canal around the Falls of St. Marie ;" "A bill to amend an act entitled 'An act amendatory to the act herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes," and "A bill to authorize the several counties therein named, to borrow money for the erection of county buildings."** I also return, with sundry amendments made thereto by the Senate, the bill entitled **"A bill to authorize the Governor to loan a certain sum of money," and "A bill to discharge the demands for supporting the supremacy of the laws."**

The bill from the Senate entitled **"A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature,"** with amendments made in the Senate to the

amendments of the House of Representatives, was taken up for consideration, and the following amendment made by the House, viz: to strike out "six" in the proviso and insert "five," which was concurred in by the Senate. On motion of Mr. Bingham, the House insist upon their amendment, and on motion of Mr. Bingham, a committee of conference was appointed on the part of the House, consisting of Messrs. Burbank, Bingham and Cornell.

The bill from the Senate entitled "A bill to authorize the sale of certain lands," was taken up and read the first and second time, and the rule having been suspended, was read the third time and passed.

The bill, "A bill granting to Thomas Palmer, James McClannan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river at the village of Palmer," with the amendments made thereto by the Senate, was taken up and the amendments concurred in.

Said bill as amended, was then read the third time and passed.

The bill entitled "A bill to provide for the salaries of certain officers," with the amendments made thereto by the Senate, was taken up and the amendments concurred in.

Said bill as amended, was then read the third time and passed.

The bill entitled "A bill to discharge the demands for supporting the supremacy of the laws," with the amendments made by the Senate, was taken up and the amendments concurred in.

Said bill as amended, was then read the third time and passed.

The bill entitled "A bill authorizing the Governor to loan a certain sum of money," with the amendments made thereto by the Senate, was taken up and the amendments concurred in.

Said bill as amended, was then read the third time and passed.

The following message was received from the Senate through their secretary :

**MR. SPEAKER**—I am directed by the Senate to inform the House of Representatives that the Senate non-concur in the amendment made by the House of Representatives to the bill entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," and that the Senate have receded from their amendment to the bill entitled "A bill authorizing the building of certain dams therein named," in which the House had non-concurred. I also herewith transmit a

bill entitled "A bill to incorporate the Shiawassee and Maple canal and slack water navigation company," and "A resolution relative to the securities to be furnished by banking associations," which have passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested

The bill from the Senate, entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," with the amendments made thereto by the House, in which the Senate non-concurred, was taken up, and on motion, the House insisted upon their amendment, and on motion of Mr. Lothrop, a committee of conference on the part of the House was appointed, consisting of Messrs. Lothrop, Mosely and Burbank.

The joint resolution from the Senate, "A resolution relative to the securities to be furnished by banking associations," was taken up, read the first and second time, and the rule having been suspended, was read the third time and passed.

On motion of Mr. Lothrop, the several bills for acts of incorporation, transmitted to the House last evening and this morning, were laid upon the table.

On motion of Mr. Bingham,

The House resolved itself into a committee of the whole, Mr. Felch in the chair, upon the bill from the Senate, entitled "A bill making appropriations for the year 1837," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

The following communication from the Executive was received through Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, "An act to incorporate the Owasso and Saginaw navigation company;" "An act relative to the duties of sheriffs and jailers in certain cases;" "A joint resolution relative to imprisonment for debt," and "A resolution relative to the River Raisin and Lake Erie railroad company."

STEVENS T. MASON.

March 20, 1837.

The following communication was received from the Executive through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I return to the House, in which it originated, a bill entitled "An act to incorporate the Grand rapids bridge company," which has not received my approval. At this late period of your session, I am not permitted to state at large my objections to this bill, I therefore, for the purpose of securing its passage, return it, with my opinion, that the *exclusive privilege* contained in the sixth section is unconstitutional, and respectfully request that the objection may be removed, before the bill receives my signature.

STEVENS T. MASON.

March 21, 1837.

On motion of Mr. Bingham,

*Resolved*, That the fiscal agent be instructed to pay to each member of the House of Representatives the sum of three dollars, expenses for newspapers, on the order of the clerk of said House, said agent having been allowed one hundred and fifty dollars for that purpose.

On motion, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The communication of the Executive, received this morning, returning the bill entitled "A bill to incorporate the Grand rapids bridge company," having been read, on motion of Mr. Bingham, the communication, with the bill, was committed to the committee on roads and bridges.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the following bills : "An act to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,' approved July 25th, 1836 ;" "An act for the enlargement of the state library ;" "An act to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases ;'" "An act authorizing the construction of a ship canal around the Falls of St. Marie ;" "An act authorizing the loan of a sum not exceeding \$5,000,000 ;" "An act for the regulation of internal improvements and for the appointment of a board

of commissioners ;” “ An act to amend an act entitled ‘ An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes ;’ ” “ An act to discharge the demands for supporting the supremacy of the laws ;” “ An act to provide for the disposition of the university and primary school lands, and for other purposes ;” “ An act to amend an act entitled ‘ An act for the regulation of internal improvement and to provide for the appointment of a board of commissioners.’ ”

The Chair presented the following communication from the state Treasurer, which was read and laid upon the table :

STATE TREASURER'S OFFICE, }  
Detroit, March 21, 1837. }

SIR—I have the honor to acknowledge the receipt this day from the Secretary of the Treasury of the United States, transfer drafts for the sum of \$95,383 83, being the second instalment of the surplus revenue accruing to the state of Michigan.

Very respectfully,

Your ob't serv't,

H. HOWARD, *Treasurer.*

HON. CHARLES W. WHIPPLE,

*Speaker of the House of Representatives.*

Mr. Almy, from the committee on roads and bridges, to which was referred the communication of the Executive, returning the “Bill incorporating the Grand rapids bridge company,” with said bill, reported the same to the House with an amendment, which was concurred in. Said bill as amended, passed.

The bill entitled “A bill to incorporate the Detroit and Clinton river canal company,” was taken up. The question being upon the final passage of said bill, it was decided by yeas and nays in the affirmative, as follows:

#### YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Purdy,
Mr. Almy,	Mr. Herrington,	Mr. Job Smith,
Mr. Brown,	Mr. Howe,	Mr. Shattuck,
Mr. Bingham,	Mr. Haskins,	Mr. Thayer,
Mr. Burbank,	Mr. Heath,	Mr. Wisner,
Mr. Butler,	Mr. Lee,	Mr. Ward,

Mr. Ballard,  
Mr. Colbath,  
Mr. Ely,

Mr. Levake,  
Mr. Martin,  
Mr. Mosely,

Mr. Yerkes,  
Mr. Speaker,

26

## NAYS.

Mr. Cressey,  
Mr. Calkin,  
Mr. Eldred,  
Mr. Felch,

Mr. Foote,  
Mr. Gilbert,  
Mr. King,

Mr. McKeen,  
Mr. Phillips,  
Mr. Wing,

10

Mr. Mosely, by unanimous consent, reported a bill, entitled "An act supplementary to an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners,'" which was read the first and second time.

On motion, said bill was read a third time and passed.

The following communication was received from the Executive, by Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

"An act to amend an act entitled 'An act to construct dams, and improve the navigation of certain rivers,' approved March 24, 1836 ;" "An act to incorporate the Adrian and Coldwater turnpike road company ;" "An act granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river ;" "An act to amend an act entitled 'An act to incorporate the Michigan and Huron institute ;'" "An act to incorporate the Michigan mutual fire insurance company ;" "An act to incorporate the Pontiac and Huron river canal company ;" "An act to amend the several acts relative to the city of Detroit ;" "An act to regulate general elections ;" and "A resolution to remit the payment of a state tax by the inhabitants of the counties of Chippewa and Mackinac."

STEVENS T. MASON.

*March 21, 1837.*

The following message from the Senate was received through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill, entitled "A bill to provide for the disposal of the surplus revenue," with sundry amendments, in which the concurrence of the House is respectfully requested.



The bill, "A bill to provide for the disposal of the surplus revenue," with the amendments made thereto by the Senate, was taken up; the question being upon concurring in the first amendment, it was concurred in; the question being upon concurring in the second amendment, it was non-concurred in.

Mr. Ely, from the committee on internal improvement, to which was referred the following bills, with certain instructions: "A bill to incorporate the New Buffalo and Hudson railroad company;" "A bill to incorporate the Brest and Grand river railroad company;" "A bill to incorporate the St. Joseph and Michigan City railroad company;" and "A bill to incorporate the Lake Huron and Detroit railroad company;" reported the same to the House, in pursuance of such instructions.

The bill, "A bill to incorporate the Bank of the commonwealth of Michigan," was, on motion of Mr. Alden, taken up, and on motion of Mr. Ward, the further consideration of said bill was postponed until the 12th day of November next.

On motion of Mr. Bingham, the bill from the Senate, "A bill making appropriations for the year 1837," was taken up for consideration.

Mr. Wisner moved to amend said bill by striking out all of the first section after the word "capitol" in the fifteenth line of the first section, to and including the word "object," in the twentieth line of the same section, and on motion of Mr. Wisner, the question was decided by yeas and nays in the negative, as follows:

YEAS.

Mr. Burbank,  
Mr. Calkin,  
Mr. Colbath,  
Mr. Foote,

Mr. Gilbert,  
Mr. Haskins,  
Mr. McKeen,

Mr. Phillips,  
Mr. Wing,  
Mr. Wisner,

10

NAYS.

Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Butler,  
Mr. Ballard,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,

Mr. Herrington,  
Mr. Howe,  
Mr. Heath,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Levake,  
Mr. Munger,

Mr. Martin,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Ward,  
Mr. Speaker,

24

On motion, said bill was then ordered to a third reading. The above bill being under consideration, was read the third time and passed.

On motion of Mr. Lothrop,

*Resolved by the House of Representatives*, (if the Senate concur,) That the two houses will meet in joint convention in the hall of the House of Representatives on the 21st instant, at half past 4 o'clock, P. M. to receive from the Executive nominations for commissioners of internal improvements.

Mr. Wisner, from the committee on enrolment, reported as correctly enrolled, the following bills: "An act to authorize the supervisors of the county of Washtenaw to raise a certain sum of money;" "An act to increase the compensation of the supervisors of the several townships in this state."

The following message was received from the Executive, through Mr. Jackson, his private secretary:

*To the Senate and House of Representatives:*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz: "An act for the regulation of internal improvements, and for the appointment of a board of commissioners;" and "An act to amend an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners.'"

STEVENS T. MASON.

*March 21, 1837.*

Mr. Cornell, from the committee of conference, on the disagreement of the two Houses to the bill, entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," reported that they recommend the House to recede from their amendment to said bill, which report was accepted, and, on motion, the House receded from their amendment.

On motion of Mr. Almy,

The House resolved itself into a committee of the whole, Mr. Wisner in the chair, on the bill, entitled "A bill to incorporate the Port Sheldon and Grand rapids railroad company," and after spending some time therein, the committee rose and reported the same to the House.

The Chair announced that the time had arrived, in accordance with the provisions of a resolution this day adopted for the meeting of both branches of the legislature, to receive from the Executive nominations for a board of commissioners.

On motion of Mr. Bingham, a committee of two was appointed, consisting of Messrs. Bingham and Ely, to wait upon the Senate, and inform them that the House was now ready to meet them in the hall of the House of Representatives.

**JOINT ASSEMBLY.**

The Senate having been conducted to seats, Mr. Comstock moved that a committee of two, one from the Senate and one from the House, be appointed to wait upon his excellency the Governor, and inform him that both branches of the legislature were now in convention, ready to receive any communication he might see fit to make. Messrs. Comstock and Brown were appointed said committee.

Mr. Comstock, from the select committee appointed to wait upon the Governor, to inform him that the two houses had met in convention, and were ready to receive any communication he might see fit to make to them, reported that they had performed the duty assigned them, and had received for answer from the Governor, that he would make a communication to them forthwith.

The following communication was received from the Executive, through Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

I hereby nominate Daniel Le Roy, of Oakland, Hart L. Stewart and John M. Barbour, of Berrien, David C. McKinstry, of Wayne, Gardiner D. Williams, of Saginaw, Levi S. Humphrey, of Monroe, and Justus Burdick, of Kalamazoo, commissioners of the board of internal improvement, under the act of March 21st, 1837.

**STEVENS T. MASON.**

*March 21, 1837.*

The above communication having been read,

On motion of Mr. Summers, of the Senate, it was referred to a committee consisting of one member from the Senate and two from the House of Representatives from each senatorial district, as

follows : On the part of the Senate, Messrs. Comstock, Kercheval, Hough, Summers and Moore ; on the part of the House, Messrs. Brown, Herrington, Wing, Butler, Ward, Lothrop, Bingham, Shattuck, Monfore and Heath.

On motion of Mr. Lothrop, of the House, the convention took a recess until half past 7 o'clock this evening.

#### HOUSE OF REPRESENTATIVES.

The following communication was received from the Executive, through his private secretary, Mr. Jackson :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : " An act to authorize the sale of certain lands ;" " An act to authorize the supervisors of the county of Washtenaw to raise a certain sum of money ;" " An act to increase the compensation of the supervisors of the several townships of this state."

STEVENS T. MASON.

*March 21, 1837.*

On motion, the House adjourned until 7 o'clock this evening.

#### EVENING SESSION.

The House met pursuant to adjournment.

The following message was received from the Senate, through their secretary :

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the amendment made by the House of Representatives to the bill, entitled " A bill to incorporate the Grand rapids bridge company," and have receded from the amendments made to the bill, entitled " A bill to incorporate the Gibraltar and Clinton railroad company," in which the House non-concurred.

Mr. Lothrop, from the committee of conference on the part of the House, on the bill, entitled " A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," reported that they recommend that the House recede from the amendment made by them to said bill.

The question being upon agreeing to the report, it was, on

motion of Mr. Wisner, decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Brown,	Mr. Levake,	Mr. Wisner,
Mr. Burbank,	Mr. Mosely,	Mr. Speaker,
Mr. Cressey,		

7

NAYS.

Mr. Alden,	Mr. Foote,	Mr. Monfore,
Mr. Butler,	Mr. Gilbert,	Mr. McGaffey,
Mr. Ballard,	Mr. Herrington,	Mr. Purdy,
Mr. Calkin,	Mr. Haskins,	Mr. Phillips,
Mr. Cornell,	Mr. Kingsley,	Mr. Thayer,
Mr. Colbath,	Mr. King,	Mr. Ward,
Mr. Eldred,	Mr. Lee,	Mr. Yerkes,
Mr. Ely,	Mr. Lothrop,	

23

Mr. Wisner, from the committee on enrolment, reported as correctly enrolled, the following entitled bills : “ An act to provide for the salary of certain state officers ;” “ An act to incorporate the Ypsilanti and Manchester railroad company ;” “ An act to amend an act entitled ‘ An act to create a fund for the benefit of the creditors of certain moneyed incorporations, and for other purposes.’ ”

The following message from the Senate, was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return, without amendment, the bill, entitled “ A bill to amend an act entitled ‘ An act concerning deeds and conveyances of land.’ ”

On motion of Mr. Alden, a committee of two members was appointed to inform the Senate, that the hour had arrived to which the convention of the two houses had adjourned, consisting of Messrs. Alden and Wisner.

JOINT ASSEMBLY.

The convention of the two houses having assembled and taken their seats, Mr. Summers, from the joint select committee to which was referred the communication of the Executive, making certain nominations for commissioners of the board of internal improvement, reported that they have had the nominations submitted to them under consideration, and have instructed their

chairman to recommend that the convention confirm the nomination of Hart L. Stewart, John M. Barbour, Gardiner D. Williams, Levi S. Humphrey and Justus Burdick.

Mr. Britain, of the Senate, moved to consent to the nominations recommended by the committee, whereupon, on motion of Mr. Ellis, of the Senate, the nominations made by the Executive were taken up separately.

The question being put upon advising and consenting to the nomination of Hart L. Stewart, it was decided by yeas and nays in the affirmative, as follows :

*Members of the Senate.*

**YEAS.**

Mr. Barry,	Mr. Davis,	Mr. McKey,
Mr. Britain,	Mr. Hough,	Mr. Moore,
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,
Mr. Comstock,	Mr. Manning,	Mr. Summers,
Mr. Cooper,		

**NAYS.**

Mr. Ellis,

*Members of the House.*

**YEAS.**

Mr. Alden,	Mr. Foote,	Mr. McGaffey,	
Mr. Brown,	Mr. Gilbert,	Mr. McKeen,	
Mr. Bingham,	Mr. Herrington,	Mr. Mosely,	
Mr. Burbank,	Mr. Howe,	Mr. Purdy,	
Mr. Butler,	Mr. Haslins,	Mr. Phillips,	
Mr. Ballard,	Mr. Heath,	Mr. Job Smith,	
Mr. Cressey,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Calkin,	Mr. King,	Mr. Thayer,	
Mr. Cornell,	Mr. Lee,	Mr. Wing,	
Mr. Eldred,	Mr. Levake,	Mr. Wisner,	
Mr. Ely,	Mr. Munger,	Mr. Ward,	
Mr. Ferrington,	Mr. Martin,	Mr. Yerkes,	
Mr. Felch,	Mr. Monfore,	Mr. Speaker,	52

**NAYS.**

Mr. Almy,	Mr. Colbath,	Mr. Lothrop,	4
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The question being put upon advising and consenting to the nomination of John M. Barbour, it was decided by yeas and nays in the affirmative, as follows :

*Members of the Senate,*

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,
Mr. Britain,	Mr. Ellis,	Mr. Moore,
Mr. Clark,	Mr. Hough,	Mr. Rumsey,
Mr. Comstock,	Mr. Kercheval,	Mr. Summers,
Mr. Cooper,	Mr. Manning,	

NAYS.

*Members of the House.*

YEAS.

Mr. Alden,	Mr. Gilbert,	Mr. McGaffey,
Mr. Burbank,	Mr. Herrington,	Mr. McKeen,
Mr. Butler,	Mr. Haskins,	Mr. Moseley,
Mr. Ballard,	Mr. Heath,	Mr. Phillips,
Mr. Cressey,	Mr. Kingsley,	Mr. Job Smith,
Mr. Calkin,	Mr. King,	Mr. Wing,
Mr. Cornell,	Mr. Lee,	Mr. Wisner,
Mr. Colbath,	Mr. Lothrop,	Mr. Ward,
Mr. Ely,	Mr. Levake,	Mr. Yerkes,
Mr. Felch,	Mr. Martin,	Mr. Speaker,
Mr. Foote,	Mr. Monfore,	

46

NAYS.

Mr. Almy,	Mr. Ferrington,	Mr. Shattuck,
Mr. Brown,	Mr. Howe,	Mr. Thayer,
Mr. Bingham,	Mr. Purdy,	

8

The question being put upon advising and consenting to the nomination of Gardiner D. Williams, it was decided by yeas and nays in the affirmative, as follows :

*Members of the Senate.*

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Manning,
Mr. Britain,	Mr. Ellis,	Mr. McKey,
Mr. Clark,	Mr. Hough,	Mr. Rumsey,
Mr. Comstock,	Mr. Kercheval,	Mr. Summers,
Mr. Cooper,		

NAYS.

Mr. Moore,

*Members of the House.*

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,

Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Levake,  
Mr. Martin,

Mr. Monfore,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Mosely,  
Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Wing,  
Mr. Wisner,  
Mr. Ward,  
Mr. Speaker,

55

## NAYS.

Mr. Bingham,  
Mr. Burbank,

Mr. Purdy,

Mr. Yerkes,

5

The question being put upon advising and consenting to the nomination of Levi S. Humphrey, it was decided by yeas and nays in the affirmative, as follows :

*Members of the Senate.*

## YEAS.

Mr. Barry,  
Mr. Britain,  
Mr. Clark,  
Mr. Comstock,  
Mr. Cooper,

Mr. Davis,  
Mr. Ellis,  
Mr. Hough,  
Mr. Kercheval,  
Mr. Manning,

Mr. McKey,  
Mr. Moore,  
Mr. Rumsey,  
Mr. Summers,

## NAYS.

*Members of the House.*

## YEAS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Calkin,

Mr. Felch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,  
Mr. King,

Mr. McGaffey,  
Mr. McKeen,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Thayer,  
Mr. Wing.



Mr. Cornell,	Mr. Lee,	Mr. Wisner,	
Mr. Colbath,	Mr. Lothrop,	Mr. Ward,	
Mr. Eldred,	Mr. Levake,	Mr. Yerkes,	
Mr. Ely,	Mr. Martin,	Mr. Speaker,	
Mr. Ferrington,	Mr. Monfore.		55

NAYS.

0

The question being put upon advising and consenting to the nomination of Justus Burdick, it was decided by yeas and nays in the affirmative as follows :

*Members of the Senate.*

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,
Mr. Britain,	Mr. Ellis,	Mr. Moore,
Mr. Clark,	Mr. Hough,	Mr. Rumsey,
Mr. Comstock,	Mr. Kercheval,	Mr. Summers,
Mr. Cooper,	Mr. Manning,	

NAYS.

*Members of the House.*

YEAS.

Mr. Alden,	Mr. Felch,	Mr. McGaffey,	
Mr. Almy,	Mr. Foote,	Mr. McKeen,	
Mr. Brown,	Mr. Gilbert,	Mr. Mosely,	
Mr. Bingham,	Mr. Herrington,	Mr. Purdy,	
Mr. Burbank,	Mr. Howe,	Mr. Phillips,	
Mr. Butler,	Mr. Haskins,	Mr. Job Smith,	
Mr. Ballard,	Mr. Heath,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kingsley,	Mr. Thayer,	
Mr. Calkin,	Mr. King,	Mr. Wing,	
Mr. Cornell,	Mr. Lee,	Mr. Wisner,	
Mr. Colbath,	Mr. Lothrop,	Mr. Ward,	
Mr. Eldred,	Mr. Levake,	Mr. Yerkes,	
Mr. Ely,	Mr. Martin,	Mr. Speaker,	
Mr. Ferrington,	Mr. Monfore,		55

NAYS.

0

The question being put upon advising and consenting to the nomination of Daniel Le Roy, it was decided by yeas and nays in the negative, as follows :

*Members of the Senate.*

## YEAS.

Mr. Britain,  
Mr. Clark,

Mr. Comstock,  
Mr. Davis,

Mr. Manning,  
Mr. Moore,

## NAYS.

Mr. Barry,  
Mr. Cooper,  
Mr. Ellis,

Mr. Hough,  
Mr. Kercheval,  
Mr. McKey,

Mr. Rumsey,  
Mr. Summers,

*Members of the House.*

## YEAS.

Mr. Levake,  
Mr. Monfore,  
Mr. Mosely,

Mr. Job Smith,  
Mr. Thayer,  
Mr. Wisner,

Mr. Ward,  
Mr. Speaker,

14

## NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,

Mr. Eldred,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,

Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Martin,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Shattuck,  
Mr. Wing,  
Mr. Yerkes,

41

The question being put upon advising and consenting to the nomination of David C. McKinstry, it was decided by yeas and nays in the affirmative, as follows:

*Members of the Senate.*

## YEAS.

Mr. Barry,  
Mr. Britain,  
Mr. Cooper,

Mr. Davis,  
Mr. Ellis,  
Mr. Hough,

Mr. Manning,  
Mr. Moore,  
Mr. Rumsey,

## NAYS.

Mr. Clark,  
Mr. Comstock,

Mr. Kercheval,  
Mr. McKey,

Mr. Summers,

*Members of the House.*

## YEAS.

Mr. Alden,  
Mr. Brown,

Mr. Howe,  
Mr. Heath,

Mr. Purdy,  
Mr. Job Smith,

Mr. Ballard,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Ferrington,  
Mr. Herrington,

Mr. Kingsley,  
Mr. Lee,  
Mr. Levake,  
Mr. Mosely,

Mr. Shattuck,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Speaker,

28

NAYS.

Mr. Almy,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Butler,  
Mr. Calkin,  
Mr. Colbath,  
Mr. Eldred,

Mr. Ely,  
Mr. Felch,  
Mr. Foote,  
Mr. Gilbert,  
Mr. Haskins,  
Mr. King,  
Mr. Lothrop,

Mr. Martin,  
Mr. Monfore,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Phillips,  
Mr. Wing,  
Mr. Yerkes,

26

Mr. Cressey, of the House, moved a reconsideration of the vote taken upon advising and consenting to the nomination of Daniel Le Roy, which was, on motion, decided by yeas and nays in the negative, as follows :

*Members of the Senate.*

YEAS.

Mr. Britain,  
Mr. Cooper,

Mr. Davis,  
Mr. Hough,

Mr. Manning,  
Mr. Moore,

NAYS.

Mr. Barry,  
Mr. Comstock,  
Mr. Ellis,

Mr. Kercheval,  
Mr. McKey,

Mr. Rumsey,  
Mr. Summers,

*Members of the House.*

YEAS.

Mr. Brown,  
Mr. Burbank,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Ferrington,

Mr. King,  
Mr. Levake,  
Mr. Monfore,  
Mr. Mosely,

Mr. Job Smith,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Speaker,

19

NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Bingham,  
Mr. Butler,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,

Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,

Mr. Martin,  
Mr. McGaffey,  
Mr. McKeen,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Shattuck,  
Mr. Wing,

Mr. Eldred,  
Mr. Ely,  
Mr. Felch,

Mr. Lee,  
Mr. Lothrop,

Mr. Ward,  
Mr. Yerkes,

35

Mr. Almy, of the House, offered the following, and moved its adoption:

*Resolved*, That his excellency the Governor, be requested to nominate to this convention, a suitable person for the office of commissioner from either the counties of Kent, Ottawa or Ionia.

The above resolution having been read, it was, on motion, laid upon the table.

On motion of Mr. Comstock, of the Senate, a committee of two members, one from each House, was appointed, consisting of Messrs. Barry and Lothrop, to wait upon the Governor, and inform him that the nomination of Daniel Le Roy, as a member of the board of commissioners of internal improvement, had been rejected by the convention, with a request to inform them if he had any further communication to make to the convention.

Mr. Barry, from the joint select committee, as above, reported, that they had executed the duty assigned them, and that the Governor had informed them he would communicate forthwith to the convention.

The following communication was received from the Executive, through Mr. Pritchette, Secretary of State :

*To the Senate and House of Representatives :*

I hereby nominate James B. Hunt, of Oakland, a commissioner of the board of internal improvement, under the act of March 21, 1837.

STEVENS T. MASON.

*March 21, 1837.*

The question being put upon advising and consenting to the nomination of James B. Hunt, it was decided by yeas and nays in the affirmative, as follows :

*Members of the Senate.*

YEAS.

Mr. Barry,  
Mr. Britain,  
Mr. Clark,  
Mr. Cooper,

Mr. Davis,  
Mr. Hough,  
Mr. Kercheval,

Mr. Manning,  
Mr. Moore,  
Mr. Rumsey,

NAYS.

Mr. Ellis,  
Mr. McKey,

Mr. Summers,

Mr. Comstock,

*Members of the House.*

YEAS.

Mr. Alden,  
Mr. Brown,  
Mr. Burbank,  
Mr. Ballard,  
Mr. Cressey,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Ely,  
Mr. Ferrington,  
Mr. Felch,

Mr. Foote,  
Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Haskins,  
Mr. Heath,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,

Mr. Martin,  
Mr. Monfore,  
Mr. McGaffey,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Phillips,  
Mr. Thayer,  
Mr. Wisner,  
Mr. Yerkes,  
Mr. Speaker,

41

NAYS.

Mr. Almy,  
Mr. Eldred,

Mr. Shattuck,

Mr. Ward,

8

On motion of Mr. Comstock, of the Senate, the convention then adjourned.

HOUSE OF REPRESENTATIVES.

The following messages from the Senate, were received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a resolution which has passed the Senate, entitled “ A resolution relative to the appointment of commissioners on the subject of the state penitentiary.

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return, without amendment, the bill, entitled “ A bill relative to incorporations for manufacturing purposes.”

Mr. Wisner, from the committee on enrolment, reported as correctly enrolled, “ A bill to amend an act concerning deeds and conveyances of lands :” “ An act concerning the building of certain dams therein named.”

A message from the Senate, was received through their secretary, informing the House of the passage, by the Senate, of “ A joint resolution giving certain instructions to the state printer.”

Said resolution was, on motion, taken up, read the first and

second time, and the rule having been suspended, it was read the third time and passed.

The joint resolution from the Senate, "A resolution relative to the appointment of commissioners on the subject of the state penitentiary," was taken up and read the first and second time.

On motion of Mr. Cornell, the blank in the resolution was filled with the words "three dollars." Said resolution was read the third time and passed.

Mr. Ely offered the following resolution :

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the joint resolution to adjourn on the 21st, be, and the same is hereby, rescinded, and that the legislature will adjourn on the 22d instant.

The rule having been suspended, the above resolution was adopted.

The following communication was received from the Executive, through Mr. Pritchette, Secretary of State:

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to amend an act entitled 'An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes ;'" "An act for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter ;" "A resolution relative to the revision of the laws, and for other purposes ;" "An act to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,' approved July 25, 1834 ;" "An act to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases ;'" "An act authorizing the construction of a ship canal around the Falls of St. Marie ;" "An act to incorporate the Grand rapids bridge company ;" "An act authorizing a loan of a sum not exceeding five millions of dollars ;" "An act to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse Point road, on Lake St. Clair ;'" "An act to provide for taking the census ;" "An act to provide for the enlargement of the state library ;" "An act to provide for the disposi-

tion of the university and primary school lands, and for other purposes ;” “ An act to amend an act entitled ‘ An act to create a fund for the benefit of the creditors of certain moneyed incorporations, and for other purposes ;’ ” “ An act to discharge the demands for supporting the supremacy of the laws ;” “ An act to provide for the salaries of certain state officers ;” “ An act to incorporate the Ladies’ orphan association of the city of Detroit ;” “ An act to incorporate the Ypsilanti and Manchester railroad company.”

STEVENS T. MASON.

March 21, 1837.

Mr. Ely moved to take up the resolution allowing extra pay to Messrs. Levake and King, heretofore laid upon the table ; and on motion of Mr. Bingham, the question was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Felch,	Mr. McKeen,	
Mr. Burbank,	Mr. Foote,	Mr. Mosely,	
Mr. Ballard,	Mr. Gilbert,	Mr. Thayer,	
Mr. Cornell,	Mr. Heath,	Mr. Wisner,	
Mr. Colbath,	Mr. Lothrop,	Mr. Ward,	
Mr. Ely,	Mr. Monfore,	Mr. Speaker,	18

NAYS.

Mr. Bingham,	Mr. Herrington,	Mr. McGaffey,	
Mr. Butler,	Mr. Howe,	Mr. Phillips,	
Mr. Cressey,	Mr. Haskins,	Mr. Job Smith,	
Mr. Eldred,	Mr. Lee,	Mr. Shattuck,	12

Said resolution being under consideration, after some discussion, on motion of Mr. Ely, the further consideration of the same was postponed until to-morrow.

The following message from the Senate was received through their secretary :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution from the House, rescinding the resolution to adjourn on the twenty-first instant, and fixing the day of adjournment on the twenty-second.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the following bills :

"An act granting to Thomas Palmer, James McClannan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer."

"An act to incorporate the Detroit and Shiawassee railroad company."

On motion, adjourned.

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*Wednesday, March 22.*

The House met pursuant to adjournment.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following named bills :

"An act relative to incorporations for manufacturing purposes."

"An act to incorporate the Saginaw and Genesee railroad company."

On motion of Mr. Lothrop,

*Resolved unanimously*, That the thanks of this House be tendered to the Hon. Charles W. Whipple, Speaker of the House of Representatives, for the able, dignified and impartial manner with which he has discharged the responsible duties of presiding officer of this House.

The following preamble and resolution was, on motion of Mr. Ely, taken up for consideration, and adopted :

Whereas, Messrs. King and Levake, members of this House, owing to their remote residence, and the difficulties attending their coming to and returning from the legislature, which difficulties consist in the early closing of the navigation, obliging them to be in attendance at the seat of government some thirty or forty days previous to the convening of the legislature ; also to remain the same space of time after the adjournment, for the opening of navigation ; therefore,

*Resolved*, That Messrs. King and Levake, members of this House, from the counties of Mackinac and Chippewa, be, and they are hereby, allowed the per diem pay of fifty days each, extra, over and above the time which may be allowed to them for their respective attendance at this session of the legislature.

On motion of Mr. Lothrop,



*Resolved*, That all bills of incorporations now on the files of this House, be postponed until the ninth day of September next.

The following communication was received from the Senate through their secretary :

Mr. SPEAKER—I am directed by the Senate, to inform the House of Representatives that the Senate insist on their amendment made to the bill entitled “A bill to provide for the disposal of the surplus revenue, and for other purposes,” which had been non-concurred in by the House of Representatives.

On motion of Mr. Lothrop, a committee of conference was appointed on the part of the House, relative to the disagreement between the two houses on the bill entitled “A bill to provide for the disposal of the surplus revenue.” Messrs. Lothrop, Wing and Mosely were appointed said committee.

The following communication was received from the Executive, through Mr. Jackson, his private secretary :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

“An act to incorporate the Detroit and Shiawassee railroad company.”

“An act to amend an act entitled ‘An act concerning deeds and conveyances.’ ”

“An act granting to Thomas Palmer, James McClannan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair River at the village of Palmer.”

“An act authorizing the building of certain dams therein named.”

“An act relative to incorporations for manufacturing purposes.”

“An act to incorporate the Saginaw and Genesee railroad company.”

STEVENS T. MASON.

*March 22, 1837.*

The following message from the Senate was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return a bill entitled “A bill to amend an act entitled ‘An act to repeal an act entitled ‘An act to provide for establishing seats of justice,’ ” with an amendment, in which the concurrence of the

The joint resolution, "A resolution for the publication and distribution of the laws," was taken up, read the first and second time, and the rule having been suspended, was read the third time and passed.

The Chair presented a communication from the Bank of Michigan, accompanied with a statement of the affairs of said bank, which was read and with the accompanying documents, laid on the table.

Mr. Lothrop, from the committee on enrolment, reported as correctly enrolled, a bill entitled "An act to amend an act entitled 'An act to repeal an act entitled 'An act to provide for establishing seats of justice.''"

On motion of Mr. Lothrop,

*Resolved by the House of Representatives*, (if the Senate concur therein) That a committee of four be appointed, two from each house, to wait upon the Executive, and inform him that the two houses have gone through with all business before them, and to ask of the Executive if he has any further communication to make to the legislature.

The following message was received from the Senate through their secretary :

MR. SPEAKER—I herewith return to the House of Representatives, the "Resolution to provide for the publication and distribution of the laws," without amendment ; and am directed to inform the House of Representatives that Messrs. Clark and Hough have been appointed a committee on the part of the Senate, to wait upon the Governor, and inquire if he has any further communication to make to either house. I also herewith transmit a resolution relative to certain university lands, which has passed the Senate, and in which the concurrence of the House is respectfully requested.

The resolution from the Senate, "A resolution relative to certain university lands," was taken up for consideration.

On motion of Mr. Kingsley, said resolution was laid upon the table.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, "A resolution to provide for the publication and distribution of the laws."

The following communication from the Executive was received through his private secretary :

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz:

“An act to incorporate the Gibraltar and Clinton railroad company.”

“An act to provide for the disposal of the surplus revenue, and five per cent. fund, and for other purposes.”

“An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes.”

“An act to repeal an act entitled ‘An act to provide for establishing seats of justice.’ ”

“An act to amend an act entitled ‘An act to amend an act entitled ‘An act to repeal an act entitled ‘An act to provide for establishing seats of justice ;’ and

“A resolution giving certain instructions to the state printer.”

STEVENS T. MASON.

*March 22, 1837.*

*To the Senate and House of Representatives :*

I have this day approved and filed in the office of Secretary of State, the following acts, viz: “A resolution to provide for the publication and distribution of the laws,” and “An act to incorporate the city of Monroe.”

STEVENS T. MASON.

*March 22, 1837.*

Mr. Lothrop, from the committee appointed to wait on his excellency the Governor, reported that they had performed the duty assigned them, and had been informed by the Governor, that he had no further communications to make to the legislature.

On motion, the House adjourned until the ninth day of November next.



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**JOURNAL**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**  
**OF THE**  
**STATE OF MICHIGAN;**  
**EXTRA SESSION,**  
**1837.**

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## JOURNAL, &c.

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*Monday, June 12, 1837.*

Pursuant to the proclamation of his excellency the Governor, the House of Representatives met at their hall, in the capitol, in the city of Detroit.

At 12 o'clock, M., Hon. Charles W. Whipple, Speaker of the House of Representatives, took the chair and called the House to order.

The roll being called, the following members answered to their names :

Messrs. Alden, Almy, Brown, Bingham, Ballard, Burke, Cressy, Cornell, Colbath, Eldred, Ely, Ferrington, Finch, Howe, Heath, Kellogg, Kingsley, Lee, Lothrop, Martin, McGaffey, Purdy, Phillips, Ralph. Job Smith, Shellhouse, Wisner, Ward, Yerkes.

On motion of Mr. Lothrop,

*Resolved*, That the clerk of this House inform the honorable the Senate that a quorum of the House of Representatives are present, and are ready to proceed to business.

On motion of Mr. McGaffey,

*Resolved*, That Darius C. Jackson be requested to perform the duties of sergeant-at-arms for the House of Representatives, during the present session.

A message was received from the Senate, through their secretary, informing the House that the Senate were organized and ready to proceed to business.

On motion of Mr. Lothrop, a committee, consisting of Messrs. Lothrop and Cressy, was appointed to join such committee as should be appointed on the part of the Senate, to wait upon his

excellency the Governor, and inform him that both houses of the legislature are now organized and ready to receive any communication he may see fit to make.

The following message from the Senate, was received through their secretary :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives, that Messrs. Barry and Davis have been appointed a committee on the part of the Senate, to join such committee as may have been appointed on the part of the House of Representatives, to wait upon his excellency the Governor, and inform him that both houses of the legislature are now organized and ready to receive any communication he may see fit to make.

Mr. Lothrop, from the joint committee appointed on the part of the House of Representatives, to wait upon the Governor, reported that they had performed the duty assigned them, and had received for answer, that he would communicate to both houses forthwith, in writing.

The following message, with accompanying documents, was received from the Governor through Mr. Jackson, his private secretary:

#### MESSAGE.

*Fellow Citizens of the Senate,*

*and House of Representatives :*

You have been called together at this time, in consequence of the existence of the financial and commercial embarrassments which at present disturb the tranquility of the nation. Happily the people of our own state have not, as yet, felt these embarrassments so heavily, as those of other portions of the Union. But as the recent measures adopted in the Atlantic states, cannot fail to operate oppressively upon the western country, unless promptly met, I have, with a desire to protect the citizens of Michigan, conceived it my duty to consult you, and ask your counsel and co-operation in the endeavor to avert the calamity. I feel confident that this co-operation will be readily extended to me ; and however great the inconvenience resulting to you personally, by your convocation at this season of the year, and at so early a day after the close of an arduous session, I am assured they will weigh lit-



tle with you, when balanced with the welfare of the state, and the prosperity of those who have placed their interests in your keeping.

The present crisis in the moneyed affairs of the country, is such as should bring us to a pause, and induce us well to reflect upon the causes which have led to it. It should teach us, although we may learn the lesson of wisdom by sad experience, to avoid in future, the seductive career of apparent, but unreal prosperity, which the nation has lately pursued, and which has brought us ultimately to the very verge of general bankruptcy. Let us seek out the true sources from whence these evils have arisen, and henceforth avoid them; bearing in mind, that like causes if hereafter sanctioned by the people, must again bring about the very like calamitous results which we now deplore.

By the universal consent of all nations, gold and silver has been made the currency and standard of value with the great commercial world. But the scarcity of these metals has compelled most governments of extensive trade and commerce, to create a representative currency to answer the immediate purposes of domestic exchanges. In the United States, this representative is composed of the paper issues of authorized banking associations, having a metallic basis created and pledged for its redemption. The notes of these associations are received at home in all exchanges, and constitute the far greater portion of the circulating medium of the country. But, as a general rule, in the exchange and commercial intercourse with foreign nations, the ordinary bank issues fail to answer the demands of trade, and resort must be had to gold and silver, or the products of labor through the medium of exportation.

The debt owed by one nation to another, cannot be paid but with *real effects*, either in coin or commodities. Where both these sources fail, pecuniary embarrassments must fall upon the nation, against which the balance of trade exists, and the debt created can only be cancelled by bankruptcy. These are the first principles of commercial relations; are applicable to nearly all nations, and are as invariable in their operation as the laws of nature.

We may trace, however, in a very great extent, all our pre-

sent pecuniary embarrassments to one fatal error into which the country has fallen. That error is to be found in our system of overbanking. The excess of bank facilities and bank issues, has made the *representative* of money too abundant, and has consequently brought in its train the evils of our overtrading and speculation; the augmentation of prices already high, increased and unwarrantable investments in unproductive lands, and foreign imports beyond the wants or means of the nation. It is admitted that the great enterprize of the American people demands, in a greater or less degree, a paper currency, the precious metals not being sufficiently abundant to answer all the ends of the circulating medium required by the multifarious interests of a wide-extended and constantly increasing country. But this paper medium must be limited, and should be restricted in its circulation, so as not to exceed in too great an amount the metallic basis which it is made partly to represent.

- What are the effects of excessive bank issues upon a community, as proclaimed by the simplest principles of political economy? They are, the depreciation of bank paper, an increase of the price of all commodities, an extension of excessive credits, the neglect of productive labor, and a country involved in debt. The banks are called upon for specie to pay the debt of the country; their specie will not meet their outstanding issues; confidence is shaken; runs are made upon them; they are compelled to contract their loans and call in their discounts, and a general pressure, if not bankruptcy, are the inevitable results that follow. The condition of the United States at the present time is a perfect illustration of those principles. The recorded history of the different states show millions of an increase of bank facilities; money, or rather its representative, has been abundant; credits have been unparalleled; our land offices tell of a dead capital of millions buried in unproductive lands; our custom-houses, deducting profits, freight, and difference of valuation, present a balance of trade against us of millions by importation; our circulating medium has depreciated, or which is the same thing, every other exchangeable commodity has risen, and Europe has exhibited the strange phenomena of underselling us on our own shores in the exportation of her bread stuffs to America. A re-

vulsion now begins. Our debt must be paid to Europe. The banks of the Atlantic cities are unable to furnish sufficient gold or silver on their issues to meet the demand ; runs are made upon them, and the result has been a universal pressure and a general suspension of specie payments, in order to prevent as general a bankruptcy.

It may be inquired, what remedy has the country left by which she may be relieved from her present embarrassment ? I answer, by a gradual diminution and absorption of her bank issues ; a curtailment of her too extended trade ; a cessation from mad investments of capital in unproductive lands ; a resort to frugality, and an application to honest industry. For years past, we have been forcing importations and other departments of business, too far in advance of the productive labor of the country. The nation that falls into this error, must, sooner or later, experience a revulsion. We must now produce commodities to make up the balance of trade against us, and the price of those commodities must fall until no other nation can compete with us in the great market of the commercial world. In a few years our productive labor will bring back the money which must leave the country in payment of debts ; for the laws of trade will take it where the debt is owed, and any attempt to prevent it will prove as powerless as the command of that feeble monarch who sat upon the beach and forbade the ebbing and flowing of the tide.

But, fellow citizens, let me direct your attention to the immediate question which requires your consideration. You are doubtless aware, that the banks of the Atlantic and southern states, under a most unprecedented demand for the redemption of their notes, have been compelled to suspend specie payments, and that in New York the proceeding has been sanctioned by the legislature of that state. Circumstances justify the conclusion, that this policy will be adopted by most of the states of the Union. The intimate financial and commercial relations existing between New York and Michigan, have induced the banks of this state, as a measure of self-protection, to avail themselves of a provision of their charters, and to suspend specie payments likewise. You are now called upon to sanction this procedure, for the purpose of preserving to our own citizens a circulating medium during the suspension in New York and elsewhere.

I feel gratified in being able to assure the public, that from an investigation of the Bank Commissioner, recently instituted, I have the utmost confidence in the solvency of the banks of the state, and I refer you to his report accompanying this communication as a warrant for this conviction. It is nevertheless but just, however, that they should be protected from an unusual and unexpected drain upon their specie, in consequence of the privileges which have been extended to the banks of New York. The expediency of the measure as adopted by that state, may, perhaps, well be questioned; and it may be doubted whether the embarrassments of the country should not have been left to seek their correction in the natural results which always follow a state of overtrading. The work, however, has been begun; a suspension of specie payments for one year has been authorized by a powerful neighboring state, and the question is, can Michigan, without injustice to herself, attempt to withstand the current which is every where flowing around her.

Admitting the ability of the banks to redeem their notes in circulation, can we dispense with a circulating medium of our own, for the twelve months to come? There is not at present, sufficient gold and silver to answer the purposes of an exclusive metallic currency, and we must from necessity depend in part upon the issues of our own banks. If the banks of this state are compelled peremptorily to redeem their notes during the general suspension in other states, they must unavoidably call in their circulation and cease all accommodations to the community, as their notes if issued would immediately run back upon them for redemption, in consequence of specie bearing a premium abroad. The banks then of this state, if required to resume specie payments before the resumption in New York, must for self-preservation stop the entire circulation of their notes. Or, on the other hand, they may be tempted to avail themselves of a doubtful provision of their charters, and by resuming specie payments, temporarily at the expiration of every sixty and thirty days, flood the country with their paper, which from its then excess of circulation, would still further depreciate in value. The doubtful power too, here exercised, would also aid in depreciating the circulating medium of the state, from the fact, that it might be considered as

working a forfeiture of their charters. The resumption of specie payments then with this excess of depreciated paper in the country, would be disastrous in its consequences, if not impracticable.

As the only alternative, although a deplorable and hazardous one, I would recommend the passage of a law, exempting all the banks reported as safe and solvent by the Bank Commissioner, for one year, or until the resumption of specie payments in New York and other states, from the liabilities of a forfeiture of charter for declining to pay specie on their notes. A law to this effect, would avoid the constitutional question of impairing the obligation of contract, and would leave the bill-holder his remedy at law against the bank, should he choose to adopt it.

Should you deem the passage of such an act requisite, its provisions, however, should be rigidly scrutinized and strictly guarded, so that the public may feel a perfect confidence in the ultimate redemption of the issues of the banks. In the first place, I would suggest, that the law should be made applicable to the safety fund banks, and such others, as within a limited period come within the provisions of the "Act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes;" and also that the banks be required to receive on deposit and in payment of debts due from *individuals* the notes of each other. These provisions, if adopted, will give uniformity to the circulating medium, and prevent any one bank from discrediting the bills of another. Each bank should be compelled also, if practicable, to retain its specie now on hand, and to exhibit periodically to the Bank Commissioner the fact that it is still continued in their vaults, with the exception of such sums, as they may voluntarily choose from time to time, to pay out in redemption of their notes, or for other authorized purposes. The great object to be desired, is to prevent the banks from selling their specie at a premium, and you should by your act, visit upon every such institution thus disposing of its specie, the severest penalties, together with the forfeiture of charter.

It is highly desirable, likewise, that the banks should be restricted in their issues to such an amount, as will answer the reasonable wants of the public, without suffering them to expand their circulation to such an extent, as would retard the resumption of specie

payments, a measure highly demanded by the interests and character of the country. And in order to secure a rigid enforcement of the provisions of this law, I would recommend such an amendment to your present statute, as will clothe the Bank Commissioner and Chancellor with unrestricted authority to close by injunction any institution found violating the rules and restrictions you may prescribe for them.

With such a law as I have suggested, it seems to me, that we cannot fail to be insured a circulating medium commanding the confidence of the public. If the banks are restrained from selling their specie, if they are made to curtail by degrees their issues, and to receive the notes of each other on deposit and in payment of debts due from *individuals*, it follows, that their present circulation will be gradually absorbed; that the debts of the community will speedily diminish, and that the consequences to be apprehended from the attempt hereafter to resume specie payments, will be in some measure avoided. This, together with a fertile soil, economy, and the industry of an enterprising population, must unquestionably secure to Michigan a continuation of her present real and unprecedented prosperity. Her career may be retarded, but can never be arrested; and if she pause, it is but to renew her onward march with redoubled energy and vigor.

I may here, fellow citizens, suggest in concluding this communication, that the great interest attending the approaching session of the Congress of the United States, may render it highly desirable that Michigan should be represented in both its branches. Your attention is therefore called to the propriety of ordering an election of a member to the House of Representatives, at an earlier day than is now provided by law.

With the confident expectation, that your wisdom will supply the defects of any recommendations of my own, you have the assurance of my hearty co-operation in the accomplishment of any measure calculated to protect or promote the interests of the people of Michigan.

STEVENS T. MASON.

June 12, 1837.

(See Document No. 16.)

The message having been read,

On motion of Mr. Lothrop,

*Ordered*, That two thousand copies of the message and accompanying documents be printed.

On motion of Mr. Alden,

*Resolved*, (if the Senate concur herein) That so much of the Governor's message as relates to the currency of the state, with the documents relating thereto, be referred to a joint select committee, composed of five members on the part of the House, and three on the part of the Senate, and that said committee have leave to report by bill or otherwise.

Mr. Alden moved that so much of the Governor's message as relates to the election of a representative to the Congress of the United States, be referred to the standing committee of the House on elections.

Mr. Ralph moved to amend said motion by referring such part of said message as relates to the election of a representative, to the committee on the judiciary, which motion was negatived. The question recurring upon the motion to refer such part of said message as relates to the election of a representative, to the committee on elections, it was decided in the affirmative.

On motion of Mr. Ely, the vote just taken upon referring so much of the Governor's message as relates to the election of a representative to the Congress of the United States, to the committee on elections, was reconsidered, and on motion of Mr. Ely, the same was referred to a select committee of five members.

The Chair announced the following as said committee: Messrs. Alden, Ralph, Ely, Bingham and Kingsley.

On motion of Mr. Kingsley,

The House adjourned until 10 o'clock A. M. to-morrow.

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*Tuesday, June 13.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Felch, Farrington, Herrington, King, Levake, Monfore, Mosely, Jos. Smith, Thayer and Wing.

The journal of the preceding day having been read,

Mr. Lothrop presented the credentials of Sands M'Camley, elec-



ted a member of the House of Representatives of this state, from the county of Calhoun, to supply the vacancy occasioned by the death of the late Hon. Ezra Convis.

The credentials having been read, Mr. M'Camley was duly qualified and took his seat.

On motion of Mr. Ely,

*Resolved*, That the committee on the judiciary be, and they are hereby, instructed to inquire into the expediency of amending the act entitled "An act amendatory and in addition to an act to extend the time for the collection and payment of certain taxes therein named," extending the time that the sheriffs and clerks of all the counties in this state may have to file in the Auditor General's office the bonds required by law, and report by bill or otherwise.

Also, on motion of Mr. Ely,

*Resolved*, That the state printer be, and he is hereby, instructed to publish in his next paper, the act entitled "An act amendatory and in addition to an act to extend the time for the collection and payment of certain taxes therein named."

Mr. Wisner, of Oakland, laid upon the table the following resolution :

*Resolved*, That a select committee of five be appointed to inquire into the official conduct of George Morell, one of the associate justices of the supreme court of this state, and presiding judge of the first circuit, and to report their opinion whether the said George Morell has so acted in his judicial capacity, as to require the interposition of the constitutional power of this House.

On motion of Mr. Ralph,

*Resolved*, That a select committee of five be appointed to examine the assessment law and report such amendments thereto, as in their opinion may be necessary to carry said law into effect.

The Chair announced the following as said committee : Messrs. Burbank, McKeen, Butler, Brown and Calkin.

Mr. Ward, of Berrien, moved a suspension of the twenty-first rule, to enable him to introduce a bill entitled "An act to amend an act entitled 'An act concerning mortgages,' approved April 19, 1837," which motion was agreed to.

The question being taken upon granting leave, it was decided



in the affirmative. Said bill was then read a first and second time, and laid upon the table.

The following message from the Senate, was received through their secretary :

Mr. SPEAKER—In pursuance of the joint rules of the Senate and House of Representatives, I am instructed to inform the House of Representatives, that the Senate do non-concur in the resolution which has passed the House, relative to referring so much of the Governor's message as relates to the currency of this state, to a select joint committee of both houses.

Mr. Bingham moved that so much of the Governor's message and documents accompanying the same, as relates to the currency, be referred to the committee on banks and incorporations.

Mr. Cressey moved to amend said motion by referring so much of said message and documents as relates to the currency, to a select committee of seven members ; which motion was agreed to.

Said motion, as amended, was decided in the affirmative.

The Chair announced the following as said committee : Messrs. Bingham, Cressey, Lothrop, Ward, Finch, Kingsley and Almy.

On motion of Mr. Lothrop,

*Resolved*, That the Speaker be directed to fill any vacancy that may exist in any of the standing committees of this House.

The Chair announced the appointment of Mr. M'Camley to supply the vacancies in the committee of ways and means, and on the militia, occasioned by the death of the late honorable Ezra Convis.

Mr. Lothrop gave notice, that on some future day, he should ask leave to bring in a bill amendatory to an act to provide for the disposal of the school and university lands of this state.

Mr. Calkin gave notice that he should, on some future, day ask leave to bring in a bill "authorizing the inhabitants of the township of Orange, in the county of Macomb, to elect township officers, and for other purposes."

On motion of Mr. Wisner, the House adjourned until 10 o'clock to-morrow morning.

*Wednesday, June 14.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Felch, Farrington, Foote, Herrington, King, Lee, Levake, Mosely, Phillips, Jos. Smith and Wing.

The journal of yesterday having been read,

Mr. Kingsley, of Washtenaw, presented the remonstrance of sundry inhabitants of Washtenaw county, remonstrating against the passage of any law authorizing the banks of this state to suspend specie payments, unless with certain restrictions. Referred to the select committee to whom was referred so much of the Governor's message as relates to the currency.

Mr. Alden, from the select committee to which was referred so much of the Governor's message as relates to the election of a representative to the Congress of the United States, made the following

#### REPORT.

The select committee to which was referred that portion of the Governor's message relating to the election of a member to the House of Representatives of the Congress of the United States, having had the same under consideration, beg leave to report, that in their opinion, the peculiarly embarrassed state of the nation, in its financial and commercial relations, together with other important questions which must, necessarily, be agitated and determined at the approaching extra session of Congress, touching the interests of the state in connection with those of the nation, render it very desirable that Michigan should be represented in both branches of the national councils.

It is apparent that objections exist, to a frequent practice of calling for an expression of the wishes of the people, through the ballot boxes, on special occasions, particularly at a season of the year when a great proportion of our population is actively engaged in various branches of agriculture and other productive industry; it being difficult under such circumstances to procure a full or general expression of the public voice.

Yet your committee believe that no argument can be urged which would justify the representatives of the people in neglecting to provide by law, before their adjournment, for an election of a representative, in sufficient time to ensure a representation

at the extra session of Congress. With these views, your committee ask leave to introduce a bill.

The report having been read, the bill accompanying said report, entitled "An act to provide for the election of a representative to Congress," was then read the first and second time and laid upon the table.

Mr. Burbank, from the select committee appointed to examine the assessment law, reported "A bill to amend an act entitled an act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20th, 1837," which was read the first and second time and laid upon the table.

Mr. Calkin, on previous notice given, asked and obtained leave to introduce a bill entitled, "An act to enable the inhabitants of the township of Orange to elect township officers, and for other purposes."

On motion of Mr. Calkin, the House resolved itself into a committee of the whole, Mr. Alden in the chair, upon the above named bill, and after spending some time therein, the committee rose and reported the same to the House without amendment. Said bill was ordered to be engrossed and read the third time to-day.

The engrossed bill entitled "An act to enable the inhabitants of the township of Orange to elect township officers, and for other purposes," was, on motion of Mr. Calkin, taken up, and upon his motion the twenty-second rule was suspended, and said bill was read the third time and passed.

On motion of Mr. McGaffey, the twenty-second rule was suspended, and

The House resolved itself into a committee of the whole, Mr. Cornell in the chair, upon the bill entitled "An act to amend an act entitled an act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20th, 1837," and after spending some time therein, the committee rose and reported the same to the House with an amendment, which was concurred in.

On motion of Mr. McGaffey, said bill was laid upon the table.

On motion of Mr. McGaffey, the twenty-second rule was suspended, and

The House resolved itself into a committee of the whole, Mr. Ely in the chair, upon the bill entitled "An act to provide for the election of a representative to Congress," and after spending some time therein, the committee rose and reported the same to the House without amendment, and on motion of Mr. Alden, said bill was laid upon the table.

Mr. Bingham, from the select committee to which was referred so much of the Governor's message as relates to the currency, the unanimous consent of the House being obtained, reported a bill entitled "An act suspending certain provisions of a law in relation to banks, and for other purposes," which was read the first and second time and laid upon the table.

The Chair presented the following communication from the Regents of the University.

*(See Document No. 17.)*

The above communication having been read, on motion of Mr. Lothrop, it was referred to the committee on education.

Mr. Lothrop, from previous notice given, asked and obtained leave to introduce a bill, entitled "An act to amend an act entitled 'An act to provide for the disposition of university and primary school lands, and for other purposes,'" which was read the first and second time, and laid upon the table.

On motion of Mr. Ward,

The House resolved itself into a committee of the whole, Mr. Bingham in the chair, upon the bill entitled "An act to amend an act entitled 'An act concerning mortgages,' approved April 19th, 1833," and after spending some time therein, the committee rose and reported the same to the House with an amendment, which was concurred in. On motion, said bill was laid upon the table.

On motion of Mr. Lothrop, the twenty-second rule was suspended, and

The House resolved itself into a committee of the whole, Mr. Eldred in the chair, upon the bill entitled "An act to amend an act entitled 'An act to provide for the disposition of the university and primary school lands, and for other purposes,'" and after

spending some time therein, the committee rose and reported the same to the House without amendment. On motion, said bill was laid upon the table.

On motion of Mr. Wisner, the House adjourned until 10 o'clock to-morrow morning.

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*Thursday, June 15.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Felch, Howe, Kingsley, Levake, McKeen, Mosely Jos. Smith and Wing.

The journal of yesterday being read,

Mr. Butler, of Lenawee, presented the petition of sundry inhabitants of Lenawee county, praying the alteration of a certain law. Referred to the committee on roads and bridges.

Mr. Wisner moved the consideration of the resolution offered by him on the 13th instant, in the words following, viz :

*Resolved,* That a select committee of five be appointed to inquire into the official conduct of George Morell, one of the associate justices of the supreme court of this state, and presiding judge of the first circuit; and to report their opinion, whether the said George Morell has so acted in his judicial capacity, as to require the interposition of the constitutional power of this House.

The Speaker asked and obtained leave to be excused from voting on the question; and

On motion of Mr. Wisner, the question upon considering the resolution was decided by yeas and nays in the affirmative, as follows :

**YEAS.**

Mr. Alden,	Mr. Eldred,	Mr. Martin,
Mr. Almy,	Mr. Ferrington,	Mr. Monfore,
Mr. Brown,	Mr. Finch,	Mr. McGaffey,
Mr. Bingham,	Mr. Foote,	Mr. McCamly,
Mr. Burbank,	Mr. Gilbert,	Mr. Purdy,
Mr. Butler,	Mr. Haskins,	Mr. Phillips,
Mr. Ballard,	Mr. Heath,	Mr. Ralph,
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cressey,	Mr. Kingsley,	Mr. Shellhouse,

Mr. Calkin,  
Mr. Cornell,  
Mr. Colbath,

Mr. King,  
Mr. Lee,  
Mr. Lothrop,

Mr. Wisner,  
Mr. Yerkes,

35

## NAYS.

Mr. Ely,  
Mr. Howe,  
Mr. Munger,

Mr. McKee,  
Mr. Job Smith,

Mr. Thayer,  
Mr. Ward,

7

Mr. Wisner moved the adoption of said resolution.

Mr. Alden moved to amend the resolution by adding the following: "and that said committee be empowered to carry on the investigation during the recess, and that they report at the adjourned session of this legislature."

Mr. Wisner accepted the amendment, and said resolution as amended was adopted.

On motion of Mr. Wisner,

*Resolved*, That the select committee to which was referred the investigation of the conduct of George Morell, be authorized and empowered to subpoena witnesses before them, and that any neglect or refusal to obey the subpoenas of said committee shall be deemed a contempt of this House, and may be punished accordingly.

Mr. Bingham offered the following resolution, and moved its adoption:

*Resolved*, That the state printer be instructed to print, for the use of this House, one hundred copies of the report of the Hon. C. J. Ingersoll, upon the currency and banking.

The question being upon the adoption of the above resolution, it was decided in the negative.

The following message was received from the Senate through their secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled "A bill amendatory to an act entitled 'An act to regulate general elections,' " in which the concurrence of the House of Representatives is respectfully requested.

Mr. Ralph offered the following resolution, and moved its adoption:

*Resolved*, That this House (the Senate concurring herein) do adjourn on Saturday, the 17th instant, without day.

On motion of Mr. Wisner, said resolution was laid upon the table.

Mr. Alden, from the committee on education, reported a bill entitled "An act to amend an act entitled 'An act to provide for the organization and government of the university of Michigan,' approved March 18th, 1837," which was read the first and second time and laid upon the table.

On motion of Mr. Alden, the twenty-first rule, was suspended, and he asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the organization and support of primary schools.'" Said bill was read the first and second time and laid upon the table.

The bill from the Senate, entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" was taken up and read the first and second time, and

On motion of Mr. Alden, committed to a committee of the whole House.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole upon the last above named bill, Mr. Ely in the chair, and after remaining some time therein, the committee rose and reported the same to the House, with an amendment, which was concurred in. Said bill was then,

On motion of Mr. Alden, referred to a select committee of three members, consisting of Messrs. Alden, McGaffey and Cornell.

On motion of Mr. Finch,

The House resolved itself into a committee of the whole, Mr. Burbank in the chair, upon the bill entitled "An act suspending certain provisions of law in relation to banks, and for other purposes," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Lothrop, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations,'" which was read the first and second time, and laid on the table.

On motion of Mr. Finch, the House adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

The following message from the Senate was received through their secretary :

**Mr. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit a resolution relative to the adjournment of the legislature, which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested. I also herewith return, without amendment, the bill entitled " A bill to enable the inhabitants of the township of Orange to elect township officers, and for other purposes."

On motion of Mr. Lothrop, the House resumed, in committee of the whole, Mr. Burbank in the chair, the consideration of the bill entitled " An act suspending certain provisions of law in relation to banks, and for other purposes," and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. Ely, the House adjourned until 10 o'clock to-morrow morning.

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*Friday, June 16.*

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Ferrington, Monfore, Mosely and Jos. Smith.

Mr. Thayer asked and obtained leave of absence for Mr. Ferrington.

The journal of yesterday having been read,

Mr. Ballard, of Lenawee, presented the petition of D. Pittman, praying the passage of an act authorizing the payment of a certain claim. Referred to the committee on claims.

Mr. Lee, of Washtenaw, presented the petition of Emery Beal and others, praying the appointment of a commissioner to lay out a certain road, in the place of Alanson Crossman, who is unable to act on account of ill health. Referred to the committee on roads and bridges.



Mr. Lothrop, from the committee on enrolment, reported as correctly enrolled, a bill entitled "An act to enable the inhabitants of the township of Orange to elect township officers, and for other purposes."

Mr. Alden, from the select committee to which was referred the bill from the Senate, entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" reported the same to the House with sundry amendments.

Said bill and amendments were, on motion of Mr. Alden, laid upon the table.

Mr. Cressey offered the following resolution, and moved its adoption:

*Resolved*, That George Morell be at liberty to appear by counsel before the committee appointed to investigate the charges preferred against him by a member of this House, and that the Speaker of this House is hereby directed to issue process for the attendance of such witnesses as the accused may desire to appear before said committee, and any neglect on the part of such witnesses to appear, or refusal to testify, shall be deemed a contempt of this House, and may be punished accordingly.

Mr. Ward moved to amend said resolution, by adding the following:

"And it shall be the duty of the committee to inform the said George Morell the time and place of meeting of said committee together with the charges to be preferred."

Mr. Cressey accepted the amendment, and said resolution as amended was adopted.

On motion of Mr. Bingham, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill, entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to amend an act to organize the supreme court and establish circuit courts,'" approved July 26th, 1836."

Said bill was read the first and second time, and on motion of Mr. Bingham, the twenty-second rule was suspended, and said bill was read the third time and passed.

On motion of Mr. Lothrop, the bill entitled "An act to amend an act entitled 'An act to provide for the disposition of the uni-

versity and primary school lands, and for other purposes,'” was taken up and ordered to be engrossed for a third reading to-day.

On motion of Mr. Lothrop, the engrossed bill, entitled as last above named, was taken up for a third reading.

The Speaker (Mr. Ward in the chair,) moved to strike out the first section of said bill, which was negatived.

On motion of the Speaker, the first section of said bill was amended by adding thereto the following : “ And one-tenth annually thereafter, with interest thereon, at the rate of seven per centum per annum, until the whole is paid.”

On motion of Mr. Lothrop, said bill was laid upon the table.

The bill entitled “ An act suspending certain provisions of law in relation to banks, and for other purposes,” coming under the general orders of the day, was taken up, and on motion of the Speaker, it was

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill suspending certain provisions of law in relation to banks, and for other purposes ; and that the said bill, with the amendment made in committee of the whole, be referred to a select committee, to consist of seven members, who shall have authority to sit during the session of the House.

On motion of Mr. Kingsley, the bill entitled “ An act to amend an act entitled ‘ An act concerning mortgages,’ approved April 19, 1833,” was taken up and referred to the select committee contemplated by the above resolution.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Butler in the chair, upon the bill, entitled “ An act to amend an act entitled ‘ An act to organize and regulate banking associations,’ ” and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The Chair announced the following committee, in pursuance of the resolution offered by him this morning : Messrs. Kingsley, Ward, Wing, Cornell, Alden, Eldred and Burbank.

On motion, the House adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Ely, the House took up and considered as in committee of the whole, the bill entitled "An act to amend an act entitled 'An act to provide for the organization and government of the university of Michigan.'"

On motion of Mr. Lothrop, the third section of said bill was amended by striking out the words, "create such professorships as they shall deem requisite," in the first and second line, and insert, after the word "to," in the first line, the words, "prescribe the duties of each professor."

On motion of Mr. Felch, said bill was laid upon the table.

On motion of Mr. Lothrop, the bill from the Senate, entitled "An act to amend an act entitled 'An act to regulate general elections,'" with the amendments made thereto by the select committee to which the same was referred, was taken up for consideration.

The question being upon concurring in the following amendment made by the select committee, viz: to strike out after the word "held," in the ninth line, and the word "in," where it last occurs in the tenth line of the first section, so that it shall read, "shall be held every two years on the first Monday of November, and on the following day, commencing in the year one thousand eight hundred and thirty eight," it was concurred in.

The question being upon concurring in the following amendment, viz: to strike out the second section and insert in lieu thereof, the following: "the said act shall be further amended so that the word 'first,' in the twenty-eighth section of the act to which this is amendatory, shall read 'fourth,'" it was concurred in.

On motion of Mr. Lothrop, said bill was further amended by striking out all after the word "occur," in the eighth line, to the word "shall," in the ninth line of the first section. Said bill was then read a third time and passed.

On motion of Mr. Lothrop,

The House resumed, in committee of the whole, Mr. Cressey in the chair, the consideration of the bill, entitled "A bill to amend an act entitled 'An act to organize and regulate banking asso-

ciations,' " and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

Mr. Kellogg moved further to amend said bill by striking out the words "once and a half," in the third and fifth lines of the fourth section, and insert the word "twice," in lieu thereof, which was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Almy,	Mr. Finch,	Mr. McGaffey,	
Mr. Bingham,	Mr. Foote,	Mr. McKeen,	
Mr. Burke,	Mr. Gilbert,	Mr. M'Camly,	
Mr. Colbath,	Mr. Herrington,	Mr. Phillips,	
Mr. Ely,	Mr. Kellogg,	Mr. Wisner,	
Mr. Felch,	Mr. King,	Mr. Yerkes,	
Mr. Farrington,	Mr. Martin,		20

## NAYS.

Mr. Cressey,	Mr. Purdy,	Mr. Thayer,	
Mr. Haskins,	Mr. Ralph,	Mr. Ward,	
Mr. Lothrop,	Mr. Job Smith,	Mr. Speaker,	
Mr. Munger,	Mr. Shellhouse,		11

Mr. Kellogg moved further to amend said bill by inserting after the word "twice" in the third line of the fifth section, the words "and a half," which was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Almy,	Mr. Foote,	Mr. McGaffey,	
Mr. Colbath,	Mr. Gilbert,	Mr. McKeen,	
Mr. Felch,	Mr. Kellogg,	Mr. McCamly,	
Mr. Farrington,	Mr. King,	Mr. Phillips,	
Mr. Finch,	Mr. Martin,	Mr. Wisner,	15

## NAYS.

Mr. Bingham,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Burke,	Mr. Munger,	Mr. Thayer,	
Mr. Cressey,	Mr. Purdy,	Mr. Ward,	
Mr. Ely,	Mr. Ralph,	Mr. Yerkes,	
Mr. Herrington,	Mr. Job Smith,	Mr. Speaker,	
Mr. Haskins,			16

Mr. McKeen moved to lay said bill on the table, which was negatived.

Mr. Finch moved its reference to the select committee appointed this morning, which was negatived.

Mr. McKeen moved its reference to the committee on banks and incorporations, which was negatived.

Said bill was then ordered to be engrossed for a third reading.

At the request of the Chair, Mr. Ward moved that the House elect the select committee to be appointed in pursuance of the resolution inquiring into the official conduct of George Morell, judge of the first circuit, which motion was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Gilbert,	Mr. McCamly,	
Mr. Burke,	Mr. Herrington,	Mr. Purdy,	
Mr. Cressey,	Mr. Kellogg,	Mr. Ralph,	
Mr. Cornell,	Mr. Lothrop,	Mr. Job Smith,	
Mr. Ely,	Mr. Munger,	Mr. Shellhouse,	
Mr. Felch,	Mr. Martin,	Mr. Thayer,	
Mr. Farrington,	Mr. McKeen,	Mr. Ward,	21

NAYS.

Mr. Bingham,	Mr. Foote,	Mr. Phillips,	
Mr. Ballard,	Mr. Haskins,	Mr. Yerkes,	
Mr. Colbath,	Mr. McGaffey,		8

On motion of Mr. Ward, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill entitled "A bill to amend an act entitled 'An act to establish branches of the Bank of Michigan, Farmers' and mechanics' bank, and Bank of River Raisin.'"

Said bill was read the first and second time and laid on the table.

On motion of Mr. Thayer, the House adjourned.

*Saturday, June 17.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Eldred, Kingsley, Munger, Monfore, Jos. Smith and Wing.

Mr. Gilbert asked and obtained leave of absence for Mr. Monfore.

The journal of yesterday having been read,

Mr. Colbath gave notice that he should, on a future day, ask leave to bring in a bill to incorporate the village of Havre.

On motion of Mr. Burbank, the House took up for consideration the resolution from the Senate, relative to the adjournment of the legislature.

Mr. Burbank moved to strike out "nineteenth" in said resolution, and insert "twentieth," which was agreed to.

On motion of Mr. Felch, the word "twentieth" was stricken out of said resolution.

On motion of Mr. Alden, the further consideration of the resolution was postponed until Monday next.

On motion of Mr. Bingham, the House proceeded in pursuance of the resolution yesterday adopted, to the election of the committee to investigate the official conduct of George Morell, one of the justices of the supreme court and judge of the first circuit, whereupon,

On motion of Mr. Finch, the following members were elected *viva voce*, as said committee, Messrs. Wisner, Felch, Ely, Lothrop, and Ward.

On motion of Mr. Felch, the bill yesterday laid upon the table, entitled "An act to amend an act entitled 'An act to provide for the organization and government of the university of Michigan,'" was taken up and considered as in committee of the whole.

On motion of Mr. Felch, said bill was further amended by substituting the following in place of the third section :

Sec. 3. "The regents shall have power to assign to any professor appointed agreeably to the act to which this is amendatory, the duties pertaining to any vacant professorship of the university, and to establish branches thereof without further authority of the legislature in the several counties in this state, under the regulations and restrictions in said act recited."

On motion of the Speaker, said bill was further amended by inserting the following to stand as the fourth section : "The board of regents shall have authority to expend so much of the interest arising from the university fund as may be necessary for the purchase of philosophical and other apparatus, a library, and cabinet of natural history." Said bill was, on motion of Mr. Felch,

ordered to be engrossed for a third reading. The engrossed bill entitled as last above mentioned was taken up, read a third time, and passed.

On motion of Mr. Alden,

The House resolved itself into a committee of the whole, Mr. Cressey in the chair, upon the bill entitled "A bill to amend an act entitled 'An act to provide for the organization and support of primary schools,'" and, after spending some time therein, the committee rose and reported the same to the House without amendment.

On motion of Mr. McGaffey, said bill was ordered to be engrossed for a third reading.

The engrossed bill entitled as last above mentioned was, on motion of Mr. Finch, taken up, and the twenty-second rule suspended, and said bill was read the third time and passed.

On motion of Mr. Ward, the bill entitled "A bill to amend an act entitled 'An act to establish branches of the Bank of Michigan, Farmers' and mechanics' bank, and Bank of River Raisin,'" was taken up and considered as in committee of the whole.

On motion of Mr. Ward, said bill was ordered to be engrossed for a third reading.

The engrossed bill entitled as last above mentioned was, on motion of Mr. Ward, taken up, read the third time and passed.

The following message was received from the Executive through Mr. Jackson, his private secretary :

*To the House of Representatives :—*

I have this day approved and filed in the office of the Secretary of State "An act to enable the inhabitants of the township of Orange to elect township officers, and for other purposes."

STEVENS T. MASON.

June 17th, 1837.

On motion of Mr. Kellogg, the House adjourned until 3 o'clock, this afternoon.

#### AFTERNOON SESSION.

Mr. Kingsley, from the select committee to which was referred the following entitled bills, viz: "An act suspending certain provisions of law in relation to banks, and for other purposes," and

"An act to amend an act entitled 'An act concerning mortgages,' approved April 19th, 1833," reported the same to the House with sundry amendments as substitutes to said bills.

Mr. Thayer moved that the first above named bill be laid upon the table, and that the amendments to the same be printed, which motion was negatived.

On motion of Mr. Ward,

The House resolved itself into a committee of the whole, Mr. Burbank in the chair, upon the said first above named bill, and after spending some time therein, the committee rose and reported the same to the House with an amendment, which was concurred in.

On motion of Mr. Kingsley, said bill and amendments were laid on the table and ordered to be printed.

The substitute to the last above named bill was, on motion of Mr. Kingsley, taken up, read and ordered to be printed.

The following message from the Senate was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the House of Representatives, I herewith return the bill entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" with certain amendments by the Senate to the third and fourth amendments made to said bill by the House of Representatives.

The bill from the Senate, entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" with the amendments made thereto by the House and the amendments made by the Senate to said amendments, was taken up for consideration, and on motion, the first amendment made by the Senate was concurred in.

The question being upon concurring in the second amendment made by the Senate, viz : to strike out "Monday, the 17th July next," and insert "Monday, the seventh day of August, and the following day," it was, on motion of Mr. Bingham, (the yeas and nays upon his motion being ordered) non-concurred in, as follows :

YEAS.

Mr. McGaffey,

1

NAYS.

Mr. Alden,

Mr. Felch,

Mr. Munger,



Mr. Almy,	Mr. Farrington,	Mr. Martin,
Mr. Brown,	Mr. Finch,	Mr. McKeen,
Mr. Bingham,	Mr. Foote,	Mr. McCamly,
Mr. Burbank,	Mr. Gilbert,	Mr. Purdy,
Mr. Ballard,	Mr. Herrington,	Mr. Ralph,
Mr. Burke,	Mr. Haskins,	Mr. Job Smith,
Mr. Cressey,	Mr. Kellogg,	Mr. Shellhouse,
Mr. Cornell,	Mr. Kingsley,	Mr. Ward,
Mr. Colbath,	Mr. King,	Mr. Yerkes,
Mr. Eldred,	Mr. Lee,	Mr. Speaker,
Mr. Ely,	Mr. Lothrop,	35

Mr. Martin gave notice that on some future day he should ask leave to introduce a bill to provide for the construction of a bridge over Conner's creek, on the extension of Jefferson Avenue.

On motion of Mr. Ward, the House adjourned until 9 o'clock on Monday morning.

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*Monday, June 19.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Eldred, McKeen, Phillips and Jos. Smith.

Mr. Butler asked and obtained leave of absence for Mr. Eldred.

Mr. Kingsley presented the petition of sundry inhabitants of the town and county of Ingham, praying the passage of a law appointing a day for the election of township officers. Referred to the committee on the organization of towns and counties.

Mr. Cressey presented a petition of Andrew Backus, praying for the settlement of his claim. Referred to the committee on claims.

Mr. Wing presented the petition of Sophia D. Clark, praying for the passage of an act for her relief. Referred to the committee on the judiciary.

On motion of Mr. Burbank, the resolution from the Senate, relative to the adjournment of the legislature, was taken up for consideration. The question being upon filling the blank in the third line, Mr. Burbank moved to fill the blank with the words "twenty-first," and upon motion of Mr. Bingham, the

"An act to amend an act entitled 'An act concerning mortgages,' approved April 19th, 1833," reported the same to the House with sundry amendments as substitutes to said bills.

Mr. Thayer moved that the first above named bill be laid upon the table, and that the amendments to the same be printed, which motion was negatived.

On motion of Mr. Ward,

The House resolved itself into a committee of the whole, Mr. Burbank in the chair, upon the said first above named bill, and after spending some time therein, the committee rose and reported the same to the House with an amendment, which was concurred in.

On motion of Mr. Kingsley, said bill and amendments were laid on the table and ordered to be printed.

The substitute to the last above named bill was, on motion of Mr. Kingsley, taken up, read and ordered to be printed.

The following message from the Senate was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the House of Representatives, I herewith return the bill entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" with certain amendments by the Senate to the third and fourth amendments made to said bill by the House of Representatives.

The bill from the Senate, entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" with the amendments made thereto by the House and the amendments made by the Senate to said amendments, was taken up for consideration, and on motion, the first amendment made by the Senate was concurred in.

The question being upon concurring in the second amendment made by the Senate, viz : to strike out "Monday, the 17th July next," and insert "Monday, the seventh day of August, and the following day," it was, on motion of Mr. Bingham, (the yeas and nays upon his motion being ordered) non-concurred in, as follows :

YEAS.

Mr. McGaffey,

1

NAYS.

Mr. Alden,

Mr. Felch,

Mr. Munger,

Mr. Almy,	Mr. Farrington,	Mr. Martin,
Mr. Brown,	Mr. Finch,	Mr. McKeen,
Mr. Bingham,	Mr. Foote,	Mr. McCamly,
Mr. Burbank,	Mr. Gilbert,	Mr. Purdy,
Mr. Ballard,	Mr. Herrington,	Mr. Ralph,
Mr. Burke,	Mr. Haskins,	Mr. Job Smith,
Mr. Cressey,	Mr. Kellogg,	Mr. Shellhouse,
Mr. Cornell,	Mr. Kingsley,	Mr. Ward,
Mr. Colbath,	Mr. King,	Mr. Yerkes,
Mr. Eldred,	Mr. Lee,	Mr. Speaker,
Mr. Ely,	Mr. Lothrop,	35

Mr. Martin gave notice that on some future day he should ask leave to introduce a bill to provide for the construction of a bridge over Conner's creek, on the extension of Jefferson Avenue.

On motion of Mr. Ward, the House adjourned until 9 o'clock on Monday morning.

*Monday, June 19.*

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Eldred, McKeen, Phillips and Jos. Smith.

Mr. Butler asked and obtained leave of absence for Mr. Eldred.

Mr. Kingsley presented the petition of sundry inhabitants of the town and county of Ingham, praying the passage of a law appointing a day for the election of township officers. Referred to the committee on the organization of towns and counties.

Mr. Cressey presented a petition of Andrew Backus, praying for the settlement of his claim. Referred to the committee on claims.

Mr. Wing presented the petition of Sophia D. Clark, praying for the passage of an act for her relief. Referred to the committee on the judiciary.

On motion of Mr. Burbank, the resolution from the Senate, relative to the adjournment of the legislature, was taken up for consideration. The question being upon filling the blank in the third line, Mr. Burbank moved to fill the blank with the words "twenty-first," and upon motion of Mr. Bingham, the

question was decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Finch,	Mr. Martin,
Mr. Brown,	Mr. Foote,	Mr. McGaffey,
Mr. Bingham,	Mr. Gilbert,	Mr. Purdy,
Mr. Burbank,	Mr. Herrington,	Mr. Ralph,
Mr. Butler,	Mr. Howe,	Mr. Job Smith,
Mr. Ballard,	Mr. Haskins,	Mr. Shattuck,
Mr. Burke,	Mr. Heath,	Mr. Shellhouse,
Mr. Cressey,	Mr. Kellogg,	Mr. Thayer,
Mr. Calkin,	Mr. Kingsley,	Mr. Wing,
Mr. Cornell,	Mr. King,	Mr. Wisner,
Mr. Colbath,	Mr. Lee,	Mr. Ward,
Mr. Ely,	Mr. Lothrop,	Mr. Yerkes,
Mr. Felch,	Mr. Munger,	Mr. Speaker,
Mr. Farrington,		

40

## NAYS.

0

Said resolution, as amended, was then adopted.

Mr. Wisner gave notice that on some future day he should ask leave to introduce "A bill to prohibit the issuing of evidences of debt, by individuals, of a denomination less than one dollar," and to provide for the punishment of the same.

On motion of Mr. Ward, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill entitled "An act amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved March 24, 1836."

Said bill was read the first and second time and laid upon the table.

On motion of Mr. Wing, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill entitled "A bill to authorize the board of supervisors of Monroe county to borrow a certain sum of money."

Said bill was read the first and second time and laid upon the table.

On motion of Mr. Lothrop, the engrossed bill entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations,' " was taken up for a third reading.

On motion of Mr. Cornell, the unanimous consent of the House being obtained, said bill was further amended, by inserting the following, to stand as the second section: "The treasurer to be appointed under the second section of the act to which this is amendatory, shall be a resident of the county where such application shall be made."

The question being upon the final passage of said bill, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Gilbert,	Mr. Shellhouse,
Mr. Bingham,	Mr. Howe,	Mr. Thayer,
Mr. Burke,	Mr. Haskins,	Mr. Wing.
Mr. Cressey,	Mr. Heath,	Mr. Wisner,
Mr. Calkin,	Mr. Lothrop,	Mr. Ward,
Mr. Cornell,	Mr. Purdy,	Mr. Yerkes,
Mr. Colbath,	Mr. Ralph,	Mr. Speaker,
Mr. Farrington,		

22

## NAYS.

Mr. Almy,	Mr. Foote,	Mr. Martin,
Mr. Brown,	Mr. Herrington,	Mr. McGaffey,
Mr. Burbank,	Mr. Kellogg,	Mr. McCamly,
Mr. Butler,	Mr. Kingsley,	Mr. Mosely,
Mr. Ballard,	Mr. King,	Mr. Job Smith,
Mr. Ely,	Mr. Munger,	Mr. Shattuck,
Mr. Finch,		

19

Mr. Martin, from previous notice given, asked and obtained leave to introduce a bill entitled "A bill to provide for the construction of a bridge over Conner's creek, on the extension of Jefferson avenue," which bill was read the first and second time, and laid upon the table.

On motion of Mr. Lothrop, the engrossed bill heretofore laid upon the table, entitled "A bill to amend an act entitled 'An act to provide for the disposition of the university and school lands, and for other purposes,'" was taken up, read the third time and passed.

On motion of Mr. Felch, the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," was taken up for consideration.

Mr. Ballard moved to amend said bill by striking out the word

"hereafter" in the second line of the third section, and insert the following: "during the suspension of specie payment."

Mr. Burbank moved to amend the amendment by substituting the following for the third section:

"The real and personal property of every director of any bank availing itself of the provisions of this act, shall be, and hereby is, made liable for the redemption of all notes and bills by such banks issued; and the real and personal property of the individual directors of any such bank, shall, in the same manner, be subject to execution, sued out against such bank in its corporate capacity, as the real and personal property of such bank: Provided, that property sufficient to satisfy such execution belonging to such corporation cannot be found."

The question being upon the amendment to the amendment, it was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Brown,  
Mr. Bingham,  
Mr. Burbank,  
Mr. Calkin,

Mr. Colbath,  
Mr. Haskins,  
Mr. Heath,

Mr. Munger,  
Mr. Wisner,  
Mr. Yerkes,

10

## NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Butler,  
Mr. Ballard,  
Mr. Burke,  
Mr. Cressey,  
Mr. Cornell,  
Mr. Ely,  
Mr. Felch,  
Mr. Farrington,  
Mr. Finch,  
Mr. Foote,

Mr. Gilbert,  
Mr. Herrington,  
Mr. Howe,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. King,  
Mr. Lee,  
Mr. Lothrop,  
Mr. Levake,  
Mr. Martin,  
Mr. McGaffey,

Mr. McKeen,  
Mr. McCamly,  
Mr. Mosely,  
Mr. Purdy,  
Mr. Ralph,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Wing,  
Mr. Ward,  
Mr. Speaker,

34

The question recurring upon the amendment offered by Mr. Ballard, it was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Almy,  
Mr. Brown,  
Mr. Burbank,

Mr. Cressey,  
Mr. Colbath,  
Mr. Ely,

Mr. McGaffey,  
Mr. McKeen,  
Mr. McCamly,

Mr. Butler,	Mr. Finch,	Mr. Mosely,	
Mr. Ballard,	Mr. King,	Mr. Wisner,	15

NAYS.

Mr. Alden,	Mr. Howe,	Mr. Martin,	
Mr. Bingham,	Mr. Haskins,	Mr. Purdy,	
Mr. Calkin,	Mr. Heath,	Mr. Ralph,	
Mr. Cornell,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Felch,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Farrington,	Mr. Lee,	Mr. Thayer,	
Mr. Foote,	Mr. Lothrop,	Mr. Ward,	
Mr. Gilbert,	Mr. Levake,	Mr. Yerkes,	
Mr. Herrington,	Mr. Munger,	Mr. Speaker,	27

On motion of Mr. Wisner, the House adjourned until 8 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The unfinished business of the morning, the consideration of the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," was taken up.

Mr. Cressey moved to amend the third section of said bill, by striking out the ratio of circulation provided in said section, and fix the ratio of circulation as follows: "Banks having a capital paid in of twenty thousand dollars, a circulation of forty thousand dollars; twenty-three thousand dollars, a circulation of forty-five thousand dollars; thirty thousand dollars, a circulation of fifty thousand dollars; fifty thousand dollars, a circulation of eighty thousand dollars; sixty-five thousand dollars, a circulation of eighty-five thousand dollars; one hundred thousand dollars, a circulation of one hundred and fifteen thousand dollars; one hundred and fifty thousand dollars, a circulation of one hundred and sixty thousand dollars; two hundred thousand dollars, a circulation of two hundred thousand dollars; four hundred thousand dollars, a circulation of three hundred and ninety thousand dollars; five hundred thousand dollars, a circulation of four hundred and ninety thousand dollars.

The question being upon agreeing to the above amendment, it was, upon motion of Mr. Cressey, decided by yeas and nays in the negative, as follows:

## YEAS.

Mr. Burke,  
Mr. Cressey,  
Mr. Felch,  
Mr. Farrington,  
Mr. Gilbert,

Mr. King,  
Mr. Lothrop,  
Mr. McGaffey,  
Mr. Mosely,

Mr. Ralph,  
Mr. Wisner,  
Mr. Ward,  
Mr. Speaker,

13

## NAYS.

Mr. Alden,  
Mr. Almy,  
Mr. Burbank,  
Mr. Butler,  
Mr. Ballard,  
Mr. Calkin,  
Mr. Cornell,  
Mr. Ely,

Mr. Finch,  
Mr. Foote,  
Mr. Herrington,  
Mr. Haskins,  
Mr. Kellogg,  
Mr. Kingsley,  
Mr. Munger,

Mr. Martin,  
Mr. Purdy,  
Mr. Job Smith,  
Mr. Shattuck,  
Mr. Shellhouse,  
Mr. Thayer,  
Mr. Yerkes,

22

Mr. Lothrop moved further to amend said bill, by inserting the following, to stand as the twelfth section :

“Sec. 12. The Bank Commissioner shall receive, in addition to the salary now allowed him by law, the sum of four hundred dollars, which shall be paid him out of any moneys in the treasury not otherwise appropriated ; and for the purpose of remunerating the treasury, every bank, not subject to the provisions of an act to create a fund for the benefit of creditors of certain moneyed corporations, passed March 28th, 1836, shall, within sixty days after availing themselves of the provisions of this act, pay into the treasury of this state, one-half of one per cent. on the capital stock of the bank actually paid in.”

The question being upon agreeing to the above amendment, it was decided in the negative.

On motion of Mr. Felch, said bill was amended, by inserting after the word “maker,” in the sixth line of the second section, the words “or endorsers.”

On motion of Mr. Wing, said bill was further amended, by striking out all of the second section to the word “in,” in the fourth line of said section.

Mr. Felch moved further to amend, by striking out in the third line of the eighth section, the words “so much of ;” also, all of said section after the word “six,” in the fourth line, which motion was negatived.

Mr. Ballard moved further to amend, by striking out the words



"third and," in the second line of the eleventh section, and on motion of Mr. Bingham, the question was decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Butler,	Mr. Kellogg,	Mr. Mosely,
Mr. Ballard,	Mr. King,	Mr. Ralph,
Mr. Cressey,	Mr. Lee,	Mr. Thayer,
Mr. Farrington,	Mr. Martin,	Mr. Wing,
Mr. Finch,	Mr. McGaffey,	Mr. Wisner,
Mr. Haskins,	Mr. McCamly,	

17

NAYS.

Mr. Alden,	Mr. Ely,	Mr. McKeen,
Mr. Almy,	Mr. Felch,	Mr. Purdy,
Mr. Brown,	Mr. Foote,	Mr. Phillips,
Mr. Bingham,	Mr. Gilbert,	Mr. Job Smith,
Mr. Burbank,	Mr. Herrington,	Mr. Shattuck,
Mr. Burke,	Mr. Howe,	Mr. Shellhouse,
Mr. Calkin,	Mr. Heath,	Mr. Ward,
Mr. Cornell,	Mr. Lothrop,	Mr. Yerkes,
Mr. Colbath,	Mr. Munger,	Mr. Speaker,

27

On motion of Mr. Wing, said bill was further amended, by inserting the following, to stand as the eleventh section : " That the several banks of this state not subject to the provisions of the law creating a fund for the benefit of certain moneyed corporations, and which shall avail themselves of the provisions of this law, shall severally be required to pay into the treasury of this state such sum in proportion to the amount of their stock paid, as appears by the report of the Bank Commissioner accompanying the message of the Governor, as shall in the whole amount to the sum of        dollars, which sum shall be paid in quarterly payments to the Bank Commissioner as an additional compensation for his services.

Mr. Ward moved to fill the blank in the eleventh section with one thousand dollars, which was negatived.

Mr. Cornell moved to fill the blank with five hundred dollars.

Mr. Alden moved to fill the blank with seven hundred dollars, which motion was agreed to, and the blank filled with seven hundred.

Mr. Butler moved further to amend said bill, by striking out all of the twelfth section after the word "next," in the second

line of the same ; and on motion of Mr. Bingham, the question was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Butler,	Mr. Haskins,	Mr. McCamly,
Mr. Ballard,	Mr. Kellogg,	Mr. Mosely,
Mr. Cressey,	Mr. King,	Mr. Purdy,
Mr. Ely,	Mr. McGaffey,	Mr. Shattuck,
Mr. Finch,	Mr. McKeen,	Mr. Wing,
Mr. Gilbert,		

16

## NAYS.

Mr. Alden,	Mr. Felch,	Mr. Martin,
Mr. Almy,	Mr. Farrington,	Mr. Phillips,
Mr. Brown,	Mr. Foote,	Mr. Ralph,
Mr. Bingham,	Mr. Herrington,	Mr. Job Smith,
Mr. Burbank,	Mr. Howe,	Mr. Shellhouse,
Mr. Burke,	Mr. Heath,	Mr. Wisner,
Mr. Calkin,	Mr. Lee,	Mr. Ward,
Mr. Cornell,	Mr. Lothrop,	Mr. Yerkes,
Mr. Colbath,	Mr. Munger,	Mr. Speaker,

27

Mr. Bingham moved further to amend said bill, by inserting after the word "specie," in the sixth line of the first section, the words "of the amount of two dollars and upwards;" and on his motion, the question was decided by yeas and nays in the negative, as follows :

## YEAS.

Mr. Almy,	Mr. Foote,	Mr. Job Smith,
Mr. Brown,	Mr. Heath,	Mr. Thayer,
Mr. Bingham,	Mr. Lothrop,	Mr. Wisner,
Mr. Burke,	Mr. McKeen,	Mr. Yerkes,
Mr. Cressey,	Mr. Phillips,	Mr. Speaker,

15

## NAYS.

Mr. Alden,	Mr. Finch,	Mr. McCamly,
Mr. Burbank,	Mr. Herrington,	Mr. Mosely,
Mr. Butler,	Mr. Kellogg,	Mr. Purdy,
Mr. Ballard,	Mr. Kingsley,	Mr. Ralph,
Mr. Cornell,	Mr. King,	Mr. Shattuck,
Mr. Colbath,	Mr. Lee,	Mr. Shellhouse,
Mr. Ely,	Mr. Munger,	Mr. Wing,
Mr. Felch,	Mr. Martin,	Mr. Ward,
Mr. Farrington,	Mr. McGaffey,	

26

Mr. Bingham moved further to amend said bill, by adding the following proviso to the first section : " Provided, that any bank

availing itself of the provisions of this act, shall not hereafter issue or put in circulation any note or bill of a less denomination than five dollars ;" which motion was negatived.

Mr. Felch moved further to amend said bill, by inserting the words, "the provisions of this act and," after the word "to," where it first occurs in the third line of the eighth section, which was agreed to.

On motion of Mr. Alden, said bill was ordered to be engrossed for a third reading.

The engrossed bill, entitled as above, was, on motion of Mr. Alden, taken up and read the third time.

The Chair announced the question to be upon the final passage of said bill.

Mr. Kingsley moved to suspend the eighth joint rule.

The Speaker decided that the joint rules had expired.

Mr. Lothrop appealed from the decision of the Chair.

The question being put, Shall the decision of the Chair stand as the judgment of this House? The House sustained the decision of the Chair.

The question being upon the final passage of said bill, it was, on motion of Mr. Butler, decided by yeas and nays in the affirmative, as follows:

## YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Martin,
Mr. Almy,	Mr. Finch,	Mr. McGaffey,
Mr. Brown,	Mr. Foote,	Mr. McCamly,
Mr. Bingham,	Mr. Gilbert,	Mr. Mosely,
Mr. Burbank,	Mr. Herrington,	Mr. Purdy,
Mr. Butler,	Mr. Howe,	Mr. Ralph,
Mr. Ballard,	Mr. Heath,	Mr. Job Smith,
Mr. Burke,	Mr. Kellogg,	Mr. Shattuck,
Mr. Calkin,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Cornell,	Mr. King,	Mr. Thayer,
Mr. Colbath,	Mr. Lee,	Mr. Wing,
Mr. Ely,	Mr. Munger,	Mr. Speaker,
Mr. Felch,		

37

## NAYS.

Mr. Cressey,	Mr. McKeen,	Mr. Ward,
Mr. Haskins,	Mr. Phillips,	Mr. Yerkes,
Mr. Lothrop,	Mr. Wisner,	

8

The following messages were received from the Senate, through their secretary :

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit to the House of Representatives, two bills which have passed the Senate, entitled “ A bill legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne,” and “ A bill to authorize the Maumee branch railroad company to pass upon the Havre branch railroad, in connecting with the Erie and Kalamazoo railroad,” in which the concurrence of the House is respectfully requested. I also herewith return, without amendment, the bill entitled “ A bill to amend an act entitled ‘ An act to amend an act entitled ‘ An act to amend an act to organize the supreme court,’ approved July 26, 1836.” I am also directed to inform the House of Representatives, that Messrs. Hough, Barry and Manning have been appointed a committee of conference on the part of the Senate, on the disagreement between the two houses on the bill entitled “ A bill amendatory to an act entitled ‘ An act to regulate general elections.’ ”

**MR. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled “ A bill to provide for the relief of the Palmyra and Jacksonburg railroad company,” in which the concurrence of the House of Representatives is respectfully requested.

**MR. ALDEN**, from the committee of conference on the disagreement of the two houses on the bill entitled “ An act to amend ‘ An act regulating general elections,’ ” made a report which was laid upon the table.

The bill from the Senate, entitled “ A bill to provide for the relief of the Palmyra and Jacksonburg railroad company,” was taken up, read the first and second time, and committed to the committee on internal improvement.

The bill from the Senate, entitled “ A bill to authorize the Maumee branch railroad company to pass upon the Havre branch railroad, in connecting with the Erie and Kalamazoo railroad,” was read the first and second time and committed to the committee on internal improvement.

The bill from the Senate, entitled “ A bill legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne,”

was taken up, read the first and second time and committed to the committee on the judiciary.

On motion, the House adjourned.

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*Tuesday, June 20.*

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. McGaffey, Ralph and Jos. Smith.

Mr. Ely, from the committee on internal improvement, to which was committed the bill from the Senate, entitled "A bill to provide for the relief of the Palmyra and Jacksonburg railroad company," made the following report, which was read and laid upon the table.

#### REPORT :

The committee on internal improvement, to which was referred a bill from the Senate entitled "A bill to provide for the relief of the Palmyra and Jacksonburg railroad company," report that they have had the same under consideration, and have instructed their chairman to report the bill to the House without amendment, and at the same time to declare as the opinion of the committee, that it ought not to operate as a precedent ; but from the peculiar situation in which the company is now placed, it is proper to extend to them the desired relief. All of which is respectfully submitted.

ELISHA ELY, *Chairman.*

Mr. Ely, also, from the same committee, to which was committed the bill from the Senate, entitled "A bill to authorize the Maumee branch railroad company to pass upon the Havre branch railroad, in connecting with the Erie and Kalamazoo railroad," reported the same to the House without amendment. Said bill was laid upon the table.

Mr. Lee, from the committee on claims, to which was referred the petition of Andrew Backus, praying for relief, reported a bill entitled "A bill for the relief of Andrew Backus," which was read the first and second time and laid on the table.

Mr. Almy, from the committee on roads and bridges, made the following report, which was read and adopted :

## REPORT.

The committee on roads and bridges, to which has been referred sundry petitions and memorials, beg leave, through their chairman, to report as follows :

That they deem it inexpedient at this time to act on any matter submitted to them for consideration, for the reason that no bill which they may report in pursuance of the several memorials, could be matured before the adjournment of this body, if the adjournment should take place as soon as is now contemplated. They would therefore recommend that the petitioners have leave to withdraw their several memorials, and that this committee be excused from acting on any memorials or petitions, hereafter to be presented, unless especially directed so to do by this House.

J. ALMY, *Chairman.*

On motion of Mr. Almy, the twenty-first rule was suspended and he asked and obtained leave to introduce the following bills : "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple river, in the county of Ionia,' approved February 16, 1837," and "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836." Said bills were severally read the first and second time, and on motion of Mr. Lee, the twenty-second rule was suspended, and said bills were ordered to be engrossed for a third reading.

The engrossed bills entitled as last above named were taken up, read the third time and passed.

On motion of Mr. Kellogg,

The House resolved itself into a committee of the whole, Mr. Lothrop in the chair, upon the following entitled bills, viz : "A bill to provide for the relief of the Palmyra and Jacksonburg railroad company ;" "An act to amend an act entitled 'An act concerning mortgages,' approved April 19, 1833 ;" "An act amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved March 24, 1836 ;" "A bill to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment

and collection of township and county taxes,' approved March 20, 1837 ;" and "A bill to authorize the board of supervisors of the county of Monroe to borrow certain sums of money ;" and after spending some time therein, the committee rose and reported the first named bill to the House, with sundry amendments, which were concurred in, and upon the other bills reported progress and asked and obtained leave to sit again.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, a bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to amend an act to organize the supreme court and establish circuit courts,' approved July 26, 1836."

On motion, the House adjourned until half past 2 o'clock, P. M.

#### AFTERNOON SESSION.

On motion of Mr. Felch,

The House resumed, in committee of the whole, Mr. Lothrop in the chair, the consideration of the following entitled bills, viz : " An act to amend an act concerning mortgages," approved April 19th, 1833 ; " An act amendatory to an act entitled ' An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24th, 1836 ;" " A bill to amend an act entitled ' An act amendatory and in addition to an act entitled ' An act to provide for the assessment and collection of township and county taxes,' ' approved March 20th, 1837 ;" and " A bill to authorize the board of supervisors of the county of Monroe to borrow certain sums of money," and, after spending some time therein, the committee rose and reported said bills to the House, with sundry amendments to each of said bills, which were concurred in.

The first above entitled bill was, on motion of Mr. Finch, ordered to be engrossed for a third reading, and on motion of Mr. Alden, the twenty-second rule was suspended, and said bill was read the third time.

The question being upon its final passage, it was, on motion of Mr. Farrington, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Foote,	Mr. McCamly,	
Mr. Brown,	Mr. Herrington,	Mr. Mosely,	
Mr. Burke,	Mr. Haskins,	Mr. Purdy,	
Mr. Cressey,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cornell,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Eldred,	Mr. Lothrop,	Mr. Wing,	
Mr. Ely,	Mr. Martin,	Mr. Ward,	
Mr. Finch,	Mr. McKeen,	Mr. Speaker,	24

## NAYS.

Mr. Burbank,	Mr. Colbath,	Mr. Phillips,	
Mr. Butler,	Mr. Farrington,	Mr. Yerkes,	
Mr. Calkin,			7

The second above entitled bill was ordered to be engrossed for a third reading, and on motion of Mr. Wing, the twenty-second rule was suspended, and said bill was read the third time and passed.

The third above entitled bill was, on motion, ordered to be engrossed for a third reading, and on motion of Mr. Kellogg, the twenty-second rule was suspended, and said bill was read a third time and passed.

On motion of Mr. Kellogg, the bill entitled "A bill for the relief of the Palmyra and Jacksonburg railroad company," was taken up, the twenty-second rule suspended, and said bill was read the third time.

The question being upon its final passage, it was, on motion of Mr. McKeen, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Eldred,	Mr. Martin,	
Mr. Brown,	Mr. Ely,	Mr. McCamly,	
Mr. Butler,	Mr. Felch,	Mr. Mosely,	
Mr. Ballard,	Mr. Farrington,	Mr. Purdy,	
Mr. Burke,	Mr. Herrington,	Mr. Wing,	
Mr. Cressey,	Mr. Kellogg,	Mr. Ward,	
Mr. Cornell,	Mr. Kingsley,	Mr. Speaker,	
Mr. Colbath,	Mr. Munger,		23

## NAYS.

Mr. Burbank,	Mr. Haskins,	Mr. Phillips,	
Mr. Calkin,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Foote,	Mr. McKeen,	Mr. Yerkes,	
Mr. Gilbert,			10



The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit two bills which have passed the Senate, entitled “A bill relative to the loan of certain sums of money,” and “A bill to provide for proceedings in chancery against corporations, and for other purposes,” in which the concurrence of the House of Representatives is respectfully requested.

The bill from the Senate, entitled “A bill relative to the loan of certain sums of money,” was taken up, read the first and second time, and committed to the committee on the judiciary.

The bill from the Senate, entitled “A bill to provide for proceedings in chancery against corporations and for other purposes,” was taken up, read the first and second time, and committed to the committee on the judiciary.

The report of the committee of conference on the disagreement between the two houses on the bill entitled “A bill amendatory to an act entitled ‘An act to regulate general elections,’ ” yesterday laid on the table, was taken up, and the report fixing the election on the 21st August, was concurred in, and said bill, as amended, was read the third time and passed.

On motion of Mr. Ely,

The House took up for consideration the bill from the Senate, entitled “A bill to authorize the Maumee branch railroad company to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad.”

Said bill was considered as in committee of the whole, and on motion of Mr. Finch, was read the third time and passed.

On motion of Mr. Mosely, the twenty-first rule was suspended, and the question being upon granting him leave to introduce a bill entitled “A bill authorizing certain counties therein named to borrow a certain sum of money,” .

On motion of Mr. Lothrop, the question was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,  
Mr. Burbank,  
Mr. Burke,

Mr. Felch,  
Mr. Farrington,  
Mr. Finch,

Mr. Martin,  
Mr. McCamly,  
Mr. Mosely,

Mr. Cressey,  
Mr. Cornell,  
Mr. Colbath,  
Mr. Eldred,  
Mr. Ely,

Mr. Foote,  
Mr. Gilbert,  
Mr. Kingsley,  
Mr. Munger,

Mr. Purdy,  
Mr. Shellhouse,  
Mr. Wing,  
Mr. Speaker,

22

## NAYS.

Mr. Ballard,

Mr. Haskins,

Mr. Lothrop,

3

Said bill was read the first and second time, and committed to the committee on the organization of towns and counties.

On motion, the House adjourned.

*Wednesday, June 21.*

The House met pursuant to adjournment.

The roll being called, the following members were absent :  
Messrs. Monfore, McGaffey, Ralph, and Jos. Smith.

Mr. Wing, from the committee on the judiciary, to which was referred a bill from the Senate, entitled " A bill relative to the loan of certain sums of money," reported the same to the House, with sundry amendments, which were concurred in, and said bill was read a third time and passed.

Mr. Wisner, from previous notice given, asked and obtained leave to introduce a bill entitled " An act to prohibit the circulation of evidences of debt of a less amount than one dollar, and to provide for the punishment of the same." Said bill was read the first and second time, and committed to the committee on banks and incorporations.

Mr. Ward offered the following joint resolution, and moved its adoption :

*" Resolved by the Senate and House of Representatives of the State of Michigan, That the committee having charge of the capitol, be directed to clear out and fit the basement story thereof for such public offices as may be directed by the legislature."*

Mr. Felch moved the following amendment, as a substitute, which was accepted, and said resolution as amended, was adopted :

*Resolved, That the Speaker of this House and the chairman of the committee of finance of the Senate, be a committee to ascertain by whom the out-buildings on the public grounds and*

the basement story of the capitol are occupied, how long the same have been occupied, and on what terms, and to take necessary measures to have the same vacated: And that said committee have the general superintendence and care of the public buildings and grounds until further ordered, and that they report at the adjourned session of the legislature.

On motion of Mr. Mosely, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill entitled "A bill to authorize the loan of a certain sum of money by certain counties therein named."

Said bill was read the first and second time, and considered as in committee of the whole.

On motion of Mr. Mosely, the twenty-second rule was suspended, and said bill was read a third time.

The question being upon the final passage of said bill, it was, on motion of Mr. Ballard, decided by yeas and nays in the affirmative, as follows:—

YEAS.

Mr. Almy,	Mr. Herrington,	Mr. McKeen,
Mr. Burbank,	Mr. Haskins,	Mr. McCamly,
Mr. Burke,	Mr. Heath,	Mr. Mosely,
Mr. Calkin,	Mr. Kellogg,	Mr. Job Smith,
Mr. Cornell,	Mr. King,	Mr. Shattuck,
Mr. Colbath,	Mr. Lee,	Mr. Thayer,
Mr. Eldred,	Mr. Levake,	Mr. Wing,
Mr. Ely,	Mr. Munger,	Mr. Speaker,
Mr. Finch,	Mr. Martin,	

26

NAYS.

Mr. Ballard,	Mr. Phillips,	Mr. Yerkes,
Mr. Lothrop,		

4

The bill entitled "A bill for the relief of Andrew Backus," was taken up and considered as in committee of the whole. Said bill was ordered to be engrossed for a third reading. The engrossed bill entitled as above was, on motion, taken up, read the third time and passed.

On motion of Mr. Finch,

The House resolved itself into a committee of the whole, Mr. Almy in the chair, upon the bill entitled "A bill to provide for the construction of a bridge over Conner's creek, on the extension of

Jefferson avenue, and for other purposes;" and after spending some time therein, the committee rose and reported the same to the House with sundry amendments, which were concurred in.

The twenty-second rule was, on motion of Mr. Mosely, suspended, and said bill was ordered to be engrossed for a third reading. The engrossed bill, entitled as above, was taken up, read the third time, and passed.

Mr. Wing, from the judiciary committee, to which was referred the bill from the Senate, entitled "A bill to provide for proceedings in chancery against corporations, and for other purposes," reported the same to the House without amendment.

On motion of Mr. Kellogg, said bill was considered as in committee of the whole, and ordered for a third reading.

Said bill was read the third time and passed.

Mr. Felch, from the committee on enrollment, reported as correctly enrolled, a bill entitled "An act to provide for the organization and government of the university of Michigan."

Mr. Lee, from the committee on claims, to which was referred the petition of D. Pittman, reported adverse to the prayer of the petitioner, and requested the House to give the petitioner leave to withdraw his petition. The report was adopted.

The following message was received from the Governor, through his private secretary, Mr. Jackson:

*To the House of Representatives:*

I have this day approved and filed in the office of the Secretary of State, "An act to amend an act entitled 'An act to amend an act to organize the supreme court and establish circuit courts,' approved July 26, 1826;" and "An act to amend an act entitled 'An act to provide for the organization and government of the university of Michigan.'"

STEVENS T. MASON.

*June 21st, 1837.*

On motion of Mr. Almy, the twenty-first rule was suspended, and he asked and obtained leave to introduce a bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1833," which was read the first and second time and laid on the table.

Mr. Alden presented the petition of sundry inhabitants of the

county of Branch relative to the university lands. Referred to the committee on university and school lands.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the joint rules of the Senate and House of Representatives, I am instructed to inform the House of Representatives, that the bill from the House entitled “A bill to amend an act entitled ‘An act to establish branches of the Bank of Michigan, Farmers’ and mechanics’ bank, and Bank of River Raisin,” has been lost in the Senate; and that the Senate have concurred in the amendment made by the House of Representatives to the “Resolution relative to the adjournment of the legislature.” I also herewith transmit two bills which have passed the Senate, entitled “A bill to vacate a part of the village plat of Ann Arbor,” and “A bill relative to the township of Whiteford;” in which the concurrence of the House of Representatives is respectfully requested; and return without amendment, the bill entitled “A bill to amend an act entitled ‘An act to provide for the organization and government of the university of Michigan.’”

The bill from the Senate entitled “A bill to vacate a part of the village plat of Ann Arbor,” was taken up, considered as in committee of the whole, read the third time and passed.

The bill from the Senate entitled “A bill relative to the township of Whiteford,” was taken up and referred to the committee on the organization of towns and counties.

On motion, the House adjourned until 3 o’clock P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Almy, the twenty-second rule was suspended, and the bill entitled “A bill to amend an act entitled ‘An act appointing commissioners to lay out and establish certain state roads,’ approved July 26, 1836,” was taken up for a third reading, and considered as in committee of the whole.

Mr. Felch moved the following amendment as a substitute to the bill, which was agreed to :

**"An Act appointing commissioners to lay out and establish certain state roads.**

**"Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,*** That a state road shall be established from Adrian, in the county of Lenawee, to intersect the Indiana territorial road where the said territorial road crosses the Little St. Joseph of the Maumee, on the most direct and eligible route, and Terenial D. Thompson, John Knapp, and Francis K. Hagerman, are hereby appointed commissioners for that purpose.

**"Sec. 2.** The fifty-ninth section of an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 28, 1836, be, and the same is hereby, repealed."

On motion of Mr. Felch, the twenty-second rule was suspended, and said bill was ordered to be engrossed for a third reading. The engrossed bill entitled as above was taken up, read the third time and passed.

The following message was received from the Senate, through their secretary :

**MR. SPEAKER—**In pursuance of the rules of the Senate, I herewith return, with sundry amendments, in which the concurrence of the House of Representatives is respectfully requested, the bills entitled "A bill to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20, 1837," and "A bill suspending for a limited time, certain provisions of law, and for other purposes."

The bill entitled "A bill to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20, 1837," with the amendment made thereto by the Senate, was taken up, and the first and second amendments were concurred in.

The question being upon concurring in the third amendment, to add after the word "made," in the first line of the second section, the words "in pursuance of law," it was non-concurred in.

The bill entitled "A bill suspending for a limited time certain

provisions of law, and for other purposes," with the amendments made thereto by the Senate, was taken up for consideration, and the question being upon concurring in the first amendment, viz: "to insert in the third line of the first section after the words 'state,' the following words: "now in operation and which did not refuse to pay its notes in specie during the year 1837, previous to the 15th day of May last," it was, on motion of Mr. Bingham, decided by yeas and nays in the negative, as follows:

YEAS.

Mr. Brown,	Mr. King,	Mr. Phillips,	
Mr. Butler,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Ballard,	Mr. Martin,	Mr. Thayer,	
Mr. Calkin,	Mr. McKeen,	Mr. Wing,	
Mr. Haskins,	Mr. Purdy,		14

NAYS.

Mr. Alden,	Mr. Felch,	Mr. Lee,	
Mr. Bingham,	Mr. Farrington,	Mr. Munger,	
Mr. Burbank,	Mr. Foote,	Mr. McCamly,	
Mr. Burke,	Mr. Herrington,	Mr. Job Smith,	
Mr. Cressey,	Mr. Heath,	Mr. Wisner,	
Mr. Cornell,	Mr. Kellogg,	Mr. Yerkes,	
Mr. Colbath,	Mr. Kingsley,	Mr. Speaker,	
Mr. Ferrington,			22

Mr. Ely asked and obtained leave to be excused from voting upon the above question.

The question being upon concurring in the second and third amendments, they were concurred in.

The question being upon concurring in the fourth amendment, Mr. Wing moved to amend said amendment by striking out the words "who is in the habit of," in the fifth and sixth, and the words "with specie" in the seventh lines of said amendment, and insert after the word "specie," in the fifth line, the words "for the purpose of," which motion was agreed to, and said amendment as amended was concurred in.

The question being upon concurring in the fifth amendment, Mr. Mosely moved to amend said amendment by striking out all after the word "bullion," in the seventh line, to the word "which," in the ninth line of said amendment: it was, on motion of Mr. Calkin, decided by yeas and nays in the affirmative, as follows:

on the twenty-first instant, and appointing the twenty-second instant, as the day of adjournment of the present session of the legislature.

Mr. Felch, from the committee on the judiciary, to which was committed the bill from the Senate entitled "A bill legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne," reported the same to the House with an amendment, which was concurred in.

Said bill was then read the third time and passed.

Mr. Ely laid on the table the following :

*Resolved*, That the committee on expenditures be, and they are hereby, instructed to fit up and put in a proper condition, three several rooms in the capitol of this state, suitable for the offices of the Secretary of State, the Auditor General and Treasurer.

On motion, the House adjourned until 9 o'clock to-morrow morning.

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*Thursday, June 22.*

The House met pursuant to adjournment.

The following messages were received from the Senate, through their secretary :

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate have receded from the amendment non-concurred in by the House, to the bill entitled "A bill to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20, 1837."

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a resolution entitled "A resolution to provide for the distribution of certain laws, and for other purposes," which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," and "A resolution to authorize the fiscal



agent to advance to John S. Bagg a certain sum of money," which have passed the Senate, and in which the concurrence of the House is respectfully requested.

The resolution from the Senate, entitled "A resolution to provide for the distribution of the laws, and for other purposes," was taken up and considered as in committee of the whole, read the third time and passed.

The resolution from the Senate, entitled "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money," was taken up and considered as in committee of the whole, read the third time and passed.

The bill from the Senate, entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," was taken up, read the first and second time and committed to the committee of ways and means.

Mr. Eldred, from the committee of ways and means, to which was referred the last above entitled bill, reported the same to the House with sundry amendments.

On motion of Mr. Lothrop,

The House resolved itself into a committee of the whole, Mr. Finch in the chair, upon the above bill, and after spending some time therein, the committee rose and reported progress, and asked and obtained leave to sit again.

The following message from the Governor, was received through Mr. Jackson, his private secretary :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to provide for proceedings in chancery against corporations, and for other purposes ;" "An act to vacate a part of the village plat of Ann Arbor ;" and "An act to authorize the Maumee branch railroad company to pass upon the Havre branch railroad, in connecting with the Erie and Kalamazoo railroad."

STEVENS T. MASON.

June 21, 1837.

The following message from the Senate, was received through their secretary :

**Mr. SPEAKER**—I am directed by the Senate to inform the House of Representatives, that the Senate have receded from their first amendment to the bill from the House of Representatives, entitled “A bill suspending for a limited time certain provisions of law, and for other purposes,” and have concurred in the amendments made by the House to their fourth and fifth amendments; and that the Senate do not recede from their seventh amendment to said bill.

The bill entitled “A bill suspending for a limited time certain provisions of law, and for other purposes,” with the amendments made thereto by the Senate, and the amendments made to said amendments by the House, was taken up for consideration.

Mr. Burbank moved a reconsideration of the vote taken yesterday, by which the House non-concurred in the seventh amendment made by the Senate to said bill, which motion was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Martin,
Mr. Brown,	Mr. Finch,	Mr. McKeen,
Mr. Burbank,	Mr. Foote,	Mr. McCamly,
Mr. Butler,	Mr. Herrington,	Mr. Mosely,
Mr. Ballard,	Mr. Howe,	Mr. Purdy,
Mr. Burke,	Mr. Kellogg,	Mr. Job Smith,
Mr. Cornell,	Mr. Kingsley,	Mr. Shattuck,
Mr. Eldred,	Mr. King,	Mr. Thayer,
Mr. Ferrington,	Mr. Levake,	Mr. Speaker,
Mr. Felch,	Mr. Munger,	

29

## NAYS.

Mr. Bingham,	Mr. Heath,	Mr. Shellhouse,
Mr. Cressey,	Mr. Lothrop,	Mr. Wing,
Mr. Calkin,	Mr. Phillips,	Mr. Wisner,
Mr. Colbath,		

10

The question being upon concurring in the said seventh amendment made by the Senate, the question was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows :

## YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Munger,
Mr. Brown,	Mr. Finch,	Mr. Martin,
Mr. Burbank,	Mr. Foote,	Mr. McKeen,

Mr. Butler,	Mr. Herrington,	Mr. McCamly,	
Mr. Ballard,	Mr. Howe,	Mr. Mosely,	
Mr. Burke,	Mr. Kellogg,	Mr. Purdy,	
Mr. Cornell,	Mr. Kingsley,	Mr. Job Smith,	
Mr. Eldred,	Mr. King,	Mr. Shattuck,	
Mr. Ferrington,	Mr. Lee,	Mr. Thayer,	
Mr. Felch,	Mr. Levake,	Mr. Speaker,	30

NAYS.

Mr. Bingham,	Mr. Heath,	Mr. Shellhouse,	
Mr. Cressey,	Mr. Lothrop,	Mr. Wing,	
Mr. Calkin,	Mr. Phillips,	Mr. Wisner,	
Mr. Colbath,			10

Mr. Lothrop moved said bill be laid upon the table, which was negatived.

The question being upon the final passage of said bill as amended, it was, on motion of Mr. Bingham, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Finch,	Mr. Levake,	
Mr. Brown,	Mr. Felch,	Mr. Munger,	
Mr. Burbank,	Mr. Farrington,	Mr. Martin,	
Mr. Butler,	Mr. Herrington,	Mr. McCamly,	
Mr. Ballard,	Mr. Howe,	Mr. Mosely,	
Mr. Burke,	Mr. Heath,	Mr. Purdy,	
Mr. Calkin,	Mr. Kellogg,	Mr. Shattuck,	
Mr. Cornell,	Mr. Kingsley,	Mr. Thayer,	
Mr. Colbath,	Mr. King,	Mr. Wing,	
Mr. Eldred,	Mr. Lee,	Mr. Speaker,	
Mr. Ferrington,			31

NAYS.

Mr. Bingham,	Mr. Lothrop,	Mr. Job Smith,	
Mr. Cressey,	Mr. McKeen,	Mr. Shellhouse,	
Mr. Foote,	Mr. Phillips,	Mr. Wisner,	9

On motion of Alden,

The House resumed in committee of the whole, Mr. Finch in the chair, the consideration of the bill from the Senate, entitled "A bill making appropriations at the extra session of the legislature held and convened on the second Monday of June, 1837," and after spending some time therein, the committee rose and reported the same to the House, with sundry amendments, which were concurred in.

On motion of Mr. Finch, said bill was read a third time and passed.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return, without amendment, the bills entitled “A bill to amend an act entitled ‘An act to provide for the organization and support of primary schools ;’ ” “A bill to amend an act entitled ‘An act to provide for the disposition of the university and school lands, and for other purposes ;’ ” “A bill to amend an act entitled ‘An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple river, in the county of Ionia ;’ approved February 16, 1837 ;” and “A bill to amend an act entitled ‘An act appointing commissioners to lay out and establish certain state roads,’ approved March 26, 1836.” I also herewith return “A resolution relative to certain state officers,” with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

The resolution, “A resolution relative to certain state officers,” with the amendment made thereto by the Senate, was taken up and the amendment concurred in. Said resolution as amended was read a third time and passed.

The following message from the Executive was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, “An act amendatory to an act entitled ‘An act to regulate general elections.’ ”

STEVENS T. MASON.

*June 22, 1837.*

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, a bill, entitled “An act to amend an act entitled ‘An act amendatory and in addition to an act to provide for the assessment and collection of township and county taxes,’ approved March 20, 1837.”

On motion, the House adjourned until 2 o'clock this afternoon.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled the following entitled bills, viz: "An act to amend an act entitled 'An act to provide for the disposition of the university and primary school lands, and for other purposes;'" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836;" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple river, in the county of Ionia,' approved February 16, 1837;" "An act to amend an act entitled 'An act to provide for the organization and support of primary schools;'" and "A resolution relative to the offices of the Secretary of State, Auditor General and Treasurer."

The following message was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return, with an amendment, in which the concurrence of the House of Representatives is respectfully requested, the bill from the House entitled "A bill to amend an act entitled 'An act concerning mortgages,' approved April 19, 1833."

The bill entitled "A bill to amend an act entitled 'An act concerning mortgages,' approved April 19, 1833," with the amendment made thereto by the Senate, was taken up for consideration, and the amendment concurred in. Said bill was then read the third time and passed.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following entitled bills : "A bill suspending for a limited time certain provisions of law, and for other purposes;" "A bill to amend an act entitled 'An act concerning mortgages,' approved April 19, 1833."

The following message was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill, entitled "A bill making appropriations at

the extra session of the legislature, held and convened on the second Monday of June, 1837," with the first and third amendments non-concurred in, and the second and fourth concurred in by the Senate.

The bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," with the amendments made by the House, was taken up, and on motion of Mr. Alden, the House receded from their first and third amendments to said bill, and said bill was passed.

The following message from the Executive, was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne," and "An act to provide for the relief of the Palmyra and Jacksonburg railroad company."

STEVENS T. MASON.

*June 22, 1837.*

The following message from the Executive, was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 26, 1836 ;'" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836 ;'" "An act to amend an act entitled 'An act to provide for the disposition of the university and primary school lands, and for other purposes ;'" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish a state road, from Dexter, in the county of Washtenaw, to Lyons, at the mouth of Maple river, in the county of Ionia,' approved February 16, 1837 ;'" "An act to amend an act entitled 'An act to provide for the organization and support of primary schools ;'" "A resolu-

tion relative to the offices of Secretary of State, Treasurer and Auditor General;" "A resolution to provide for the distribution of certain lands, and for other purposes;" "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money," "An act to amend an act entitled 'An act concerning mortgages,' approved April 19, 1833;" "An act suspending for a limited time certain provisions of law, and for other purposes."

STEVENS T. MASON.

*June 22, 1837.*

The following message was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return, without amendment, the bill entitled "A bill amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved March 24, 1836." Also, "A resolution relative to the navigation of lake and river St. Clair." "A resolution relative to the harbors at the mouths of the Kalamazoo and Galeain rivers;" and "A resolution relative to the harbor at the mouth of the Clinton river."

The resolutions entitled "A resolution relative to the navigation of lake and river St. Clair," and "A resolution relative to the harbors at the mouths of the Kalamazoo and Galeain rivers," and "A resolution relative to the harbor at the mouth of the Clinton river," were, on motion, laid upon the table.

Mr. Alden moved that a committee of two be appointed to join such committee as may be appointed upon the part of the Senate, to wait upon the Governor and inform him that the legislature are about to adjourn, and ask of him if he has any further communication to make, which was agreed to, and Messrs. Alden and Bingham were appointed said committee.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following entitled bill, "An act amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24, 1836."

the extra session of the legislature, held and convened on the second Monday of June, 1837," with the first and third amendments non-concurred in, and the second and fourth concurred in by the Senate.

The bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," with the amendments made by the House, was taken up, and on motion of Mr. Alden, the House receded from their first and third amendments to said bill, and said bill was passed.

The following message from the Executive, was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne," and "An act to provide for the relief of the Palmyra and Jacksonburg railroad company."

STEVENS T. MASON.

*June 22, 1837.*

The following message from the Executive, was received through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 26, 1836 ;'" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836 ;'" "An act to amend an act entitled 'An act to provide for the disposition of the university and primary school lands, and for other purposes ;'" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish a state road, from Dexter, in the county of Washtenaw, to Lyons, at the mouth of Maple river, in the county of Ionia,' approved February 16, 1837 ;'" "An act to amend an act entitled 'An act to provide for the organization and support of primary schools ;'" "A resolu-



tion relative to the offices of Secretary of State, Treasurer and Auditor General;" "A resolution to provide for the distribution of certain lands, and for other purposes;" "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money," "An act to amend an act entitled 'An act concerning mortgages,' approved April 19, 1833;" "An act suspending for a limited time certain provisions of law, and for other purposes."

STEVENS T. MASON.

*June 22, 1837.*

The following message was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return, without amendment, the bill entitled "A bill amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved March 24, 1836." Also, "A resolution relative to the navigation of lake and river St. Clair." "A resolution relative to the harbors at the mouths of the Kalamazoo and Galeain rivers;" and "A resolution relative to the harbor at the mouth of the Clinton river."

The resolutions entitled "A resolution relative to the navigation of lake and river St. Clair," and "A resolution relative to the harbors at the mouths of the Kalamazoo and Galeain rivers," and "A resolution relative to the harbor at the mouth of the Clinton river," were, on motion, laid upon the table.

Mr. Alden moved that a committee of two be appointed to join such committee as may be appointed upon the part of the Senate, to wait upon the Governor and inform him that the legislature are about to adjourn, and ask of him if he has any further communication to make, which was agreed to, and Messrs. Alden and Bingham were appointed said committee.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the following entitled bill, "An act amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24, 1836."

The following messages were received from the Senate through their secretary :

**Mr. SPEAKER**—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled “A bill to amend an act entitled ‘An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes,’” in which the concurrence of the House is respectfully requested.

I am also instructed to inform the House that Messrs. Moore and Hough have been appointed a committee on the part of the Senate to join the committee on the part of the House, to wait on his excellency the Governor, and inform him the legislature are about to adjourn, and ask him if he has any further communication to make.

The bill from the Senate entitled “A bill to amend an act entitled ‘An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes,’” was on motion laid upon the table.

Mr. Ely offered the following resolution, and moved its adoption; the question was decided in the negative.

*Resolved by the House of Representatives*, (the Senate concurring herein,) That our senators in Congress be instructed, and our representative be requested, to use their exertions to procure an appropriation from Congress for the improvement of the harbors at the mouth of North and South Black rivers of Lake Michigan, and the Secretary of State be hereby instructed to transmit copies of this resolution to our senators and representatives in Congress.

The following message was received from the Executive, through his private secretary, Mr. Jackson :

*To the House of Representatives :*

I have this day approved and filed in the office of the Secretary of State, “An act amendatory to an act entitled ‘An act to authorize the boards of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,’ approved 24th March, 1836.” “An act relative to the loan of certain sums of money.” “An act making appropriations at the

extra session of the legislature, held and convened on the second Monday of June, 1837."

STEVENS T. MASON.

*June 22, 1837.*

Mr. Alden from the committee on the part of the House, appointed to wait upon the Executive, and ask him if he has any further communication to make to this legislature, reported that they had performed the duty assigned them, and received for answer from the Executive, that he had no further communication to make.

On motion of Mr. Lothrop, the House adjourned *sine die*.



# DOCUMENTS.

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(No. 1.)

*Proposition for a Transfer of the Charter of the Detroit and St. Joseph Railroad Company to the State.*

*Detroit, August 8, 1836.*

SIR—In reply to your communication of the 4th instant, I have to state, by authority of the directors of the Detroit and St. Joseph railroad company, that a general meeting of the stockholders would be necessary to any definite action upon the subject referred to in the resolution enclosed in your letter. But while the directors are not authorized to bind the stockholders in the matter in question, they can confidently state, that the object of the latter in subscribing to the railroad, was, to effect an important public work, which they believe to be of primary importance to Michigan; and that they will readily surrender their stock, upon the repayment of the sums advanced, under such an arrangement as will secure a completion of the work, within a reasonable period.

On behalf of the company,

JOHN BIDDLE, *President.*

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(No. 2.)

*Proposition for a Transfer of the Charter of the St. Clair and Romeo Railroad Company.*

OFFICE OF THE ST. CLAIR AND ROMEO R. R. Co., }  
December 1, 1836. }

SIR—In reply to your Excellency's letter, making inquiry as to the price and terms on which this company will be willing to surrender to the state of Michigan their right to the St. Clair and

Romeo railroad, I have the honor to state that this company will surrender to the state their interest in the road, on condition that the state pay to the company the amount which shall have been expended at the time when they shall require the transfer, according to their books; and engage to construct the road with all possible expedition, and continue the same to some point on Grand river or Lake Michigan, completing the whole within six years from the first of January next, under the direction of the present company, subject to the advice of the chief engineer of the state.

Great progress has been made in the work, for the time that the company have been organized, and about \$5,000 will have been expended by the first of January next, a detailed account of which will be submitted to the legislature at its approaching session.

I have the honor to be

Your most ob't serv't,

THOMAS PALMER, *President.*

*To his Excellency*

STEVENS T. MASON,

*Governor of the State of Michigan.*

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(No. 3.)

*Communication from the Honorable William A. Fletcher, relative to the revision of the Laws.*

*Ann Arbor, December 24th, 1836.*

*To his Excellency*

STEVENS T. MASON, *Governor, &c. &c.*

SIR—By the act of the legislature appointing me to prepare a code of laws for the state, I am required to report the result of my labors in the premises, to the legislature, at its next session; and also to report to your Excellency, the time actually spent in the performance of that duty. I have made every effort to execute the whole work within the short time limited for that purpose; and as to the substantial provisions, I have nearly completed a revision of the present statutes, proposing numerous corrections and amendments, and many additions, to supply what I considered omissions in our present code, but I found the time too short for the performance of the work in the manner and to the extent I had designed, and as I think necessary for the best interests of the state. To have prepared a code of laws, without any attempt to preserve mainly the outlines and features of the existing statutory regulations, would have required less labor and time. But I did not deem it proper, or even safe, to attempt to supersede, or

materially change, that large portion of the statutes which had been found convenient and salutary in its practical operation, and which had been long in force, and with which all are familiar. Under these impressions, I endeavored in the first place to revise carefully the present code, to select those portions which it was thought proper to retain, to correct and amend their provisions, and to classify and arrange them in proper and convenient order, having regard principally to the substance, rather than the phraseology. In the performance of this labor more time was necessary than I had anticipated, owing principally to a want of systematic arrangement of the various provisions of our present statutes. Another important part of the labor coming within the scope of the employment, was to incorporate in the revised code, such new provisions as the good government and general welfare of the state seemed to require, under its present greatly altered condition and prospects. Little more than one half of the specific legislative enactments, which have been found necessary and beneficial in most of the best regulated states in the Union, are to be found in our present code, and when it is considered that more valuable improvements have been made in the statutory laws, in most of the older states, during the last ten years, than were made within a century before, and that these improvements have been proposed and adopted under the supervision and direction of the most experienced and competent men, specially selected for the purpose, with ample time for the service, I presume an apology will hardly be necessary, when I state that I have not been able within the short time allowed, to complete this part of the work as perfectly as I had designed, and as I still think necessary. There is yet another subject of great importance in the preparation and adoption of an entire code of written law. I allude to the language by which the will of the legislature is expressed. The want of a practical knowledge of the rules of judicial construction of statutes, and the want of simplicity and conciseness, and of great care on the part of those who have penned the statutes, have occasioned an immense amount of litigation. Most of our general statutes are peculiarly liable to objection on these grounds. Among the improvements which I designed, and one in which I had perhaps greater confidence of success than in any other, was in the language of the statutes. Nor is my confidence diminished from the limited efforts which have been made for this purpose; but I have not had time to apply these efforts but to a small portion of the statutes. This subject deserves the highest consideration, as it must be manifest to all that those provisions and rules which are designed to defend and secure the rights and interests of individuals and the whole community, ought not to be themselves the occasion of doubt and uncertainty in the law, and

of increasing the evils of litigation. Necessarily connected with this subject, to a very considerable extent, is the classification and arrangement of the various and widely scattered provisions of the existing statutes. In attempting to secure these desirable improvements, great and extensive alterations are necessary in the phraseology, extending to an entire revision and simplification of those parts of the present statutes which it will be proper to retain. Finding that the short time allowed for the completion of the work would not allow me that time for each of the subjects above mentioned which was requisite to complete them in the manner I should deem most proper, had there been time sufficient, I was under the necessity of distributing my labor and efforts over all of these subjects, so that I might be able to submit to the legislature, at the time required, the result of my labors upon the whole work. I have been actually employed in this service a little more than six months, and with the labor of a few days, can be prepared to report to the legislature upon the whole subject, should it be deemed necessary for the public interests that the whole should be revised by the legislature at its approaching session. I cannot, however, withhold the expression of my firm conviction that the public good would be much promoted by giving a further time for the completion of this important service. The inconvenience occasioned by a few months' delay in the publication of the code, would, in my opinion, be much more than compensated by the improvements which might be made, and by the great and lasting benefits arising from a more full, concise, simple and systematic code than can now be presented. The time necessary for all the improvements which I might deem of importance, would not extend beyond the middle of September or the first of October next, and I submit respectfully to the wise consideration of the legislature, whether such an extension of time might not materially contribute to the best interests of the state. When the magnitude of the work, and the labor and care necessary for its execution are considered, and a proper estimate formed of the difficulties and responsibility incident to the undertaking, and of the time necessary for the preparation of an entire code of statute law, I trust the above considerations will commend themselves to the favorable regard of the legislature.

I have the honor to be

Your Excellency's

Most obedient servant,

WM. A. FLETCHER.



(No. 4.)

*Report of the Auditor General.**Henry Howard, Treasurer, in account with the State of Michigan, for Receipts and Expenditures.*

DR.

1836.

Oct. 1.	To cash in the treasury, reported to the Executive this day,		\$34,676 84
5.	Cash received of Warren Chase, auctioneer, Monroe, for duties on auction sales,	\$9 80	
6.	Cash received of James Filson, auctioneer, Wayne county, for duties on auction sales,	21 33	
	Cash received of Henry Doty, auctioneer, Wayne county, for duties on auction sales,	161 15	
17.	Cash received of Lucius Lyon, proprietor of the seat of justice, Sanilac,	105 00	
22.	Cash received of James Patchin, sheriff of Lenawee county, for taxes,	214 00	
			<hr/> 511 28
Nov. 17.	Cash received of Geo. W. Hoffman, auctioneer, for duties on auction sales,	1 62	
	Cash received of Henry M. Henderson, proprietor seat of justice, Gratiot county,	423 00	
			<hr/> 424 62
Dec. 24.	Cash received of the Auditor General, on account of N. Hubble, sheriff of Monroe county,	150 00	
	Cash received of the Auditor General, on account of Elias Taylor, sheriff of St. Joseph county,	298 00	
	Cash received of the Auditor General, on account of Heman Pratt, coroner, Hillsdale,	20 00	
	Cash received of the Auditor General on account of Eber Root, sheriff, Cass county,	63 27	
			<hr/>
	Carried forward,	\$	\$

1836.	Brough. forward,	\$	\$
Dec. 24.	Cash received of the Auditor General, on account of Eber Root, auctioneer, for sales at auction,	36 93	
		<hr/>	563 20
30.	Cash received of Lemuel Goodell, auctioneer, Wayne county, for duties on sales at auction,	41 03	
	Cash received of F. H. Stevens, fiscal agent, for surplus paid him on account of Wm. H. Griswold,	3 00	
31.	Cash received of John M. Wilson, sheriff, Wayne county,	800 00	
	Cash received of Henry Doty, auctioneer, Wayne county, for auction duties,	146 24	
	Cash received of Robert Abbott, Auditor General, on account of Henry Neil, auctioneer,	3 00	
	Cash received of Wm. Anderson, sheriff, Washtenaw,	41 12	
		<hr/>	\$1,034 39
			<hr/>
			\$37,210 33
			<hr/>
1837.			
Jan. 1.	Balance in the Treasury,		\$27,130 68

## CR.

1836.			
Oct. 1.	By cash paid warrant, favor F. H. Stevens, fiscal agent, for moneys advanced the delegates to the Ann Arbor convention,	1,782 42	
5.	Cash paid warrant favor J. E. Schwarz, Adjutant General, one quarter salary,	31 25	
	Cash paid warrant favor B. B. Kercheval,	27 00	
7.	Cash paid warrant favor F. H. Stevens, fiscal agent, for moneys advanced the delegates to the Ann Arbor convention,	84 00	
	Cash paid warrant favor F. H. Stevens, for moneys advanced G. R.		
		<hr/>	<hr/>
	Carried forward,	\$	\$

## DOCUMENTS.

493

1836.	Brought forward,	\$	\$	
Oct. 7.	Griswold, for furnishing journal for the House of Representatives,	20	00	
15,	Cash paid warrant favor Eps. Ransom, assistant justice, one quarter salary,	295	89	
17,	Cash paid warrant favor Geo. Morrell, assistant justice, one quarter salary,	301	08	
	Cash paid warrant favor Henry Sleeper, a commissioner locating seat justice Sanilac county,	60	00	
	Cash paid warrant favor Martin Story, a commissioner for Sanilac, services,	45	00	
				2,646 59
	Cash paid warrant favor Jno. Delafield, of N. Y., for semi-annual interest on \$100,000 from 1st May to 30th October, inclusive, at 6 per cent. per annum,	3,000	00	
21,	Cash paid warrant favor E. Farnsworth, Chancellor, one quarter salary,	301	03	
22,	Cash paid warrant favor H. V. Mann, Chas. Thayer and Robert Abbott, commissioners auditing militia claims,	180	00	
	Cash paid warrant favor Daniel Le Roy, for one quarter salary as Attorney General,	50	00	
				3,531 03
Nov. 17.	By cash paid warrants for John Berry, A. H. Stowell and Jeremiah Riggs, commissioners locating seats justice, Gratiot and Midland counties, \$177 and \$141 each,	954	00	
	Cash paid warrant favor J. K. Grosvenor, messenger,	10	00	
	Cash paid warrant favor Abraham Butts, messenger,	62	50	
	Cash paid warrant favor D. C. Jennings, messenger,	62	75	
	Cash paid warrant favor J. C. Abel, messenger,	102	50	
	Carried forward,	\$	\$	

<b>1836.</b>		<b>Brought forward,</b>	
<b>Nov. 17.</b>	Cash paid warrant favor H. A. Le- vake, messenger,	150 00	
	Cash paid warrant favor C. C. Doug- lass, locating state lands,	484 50	
	Cash paid warrant favor H. How- ard, one quarter salary,	75 00	
	Cash paid S. T. Mason, (no war- rant,)	500 00	
<b>Dec. 2.</b>	By cash paid warrant favor S. F. Fletcher,	10 50	
	Cash paid warrant favor H. Garri- son & Co.,	2 50	
	Cash paid warrant favor Wm. Ter- ry,	19 00	
		<hr/>	<b>\$2,424 25</b>
	Cash paid warrant favor Geo. P. Davis,	5 00	
	Cash paid warrant favor F. H. Ste- vens, fiscal agent, for moneys ad- vanced John McDonell, chairman of committee for repairs to the capitol,	150 00	
	Cash paid warrant favor F. H. Ste- vens, fiscal agent, for moneys, J. McDonell chairman, for repairs to the roof of capitol,	390 00	
	Cash paid warrant favor Frs. Char- ter,	37 50	
<b>7.</b>	Cash paid warrant favor Wm. Thompson, surgeon in the militia, founded on quarter month's scrip,	45 00	
<b>8.</b>	Cash paid warrant favor W. H. Hoag, for 120 miles travel, as elector of President and Vice President,	24 00	
	Cash paid warrant favor D. Le Roy, for 52 miles travel as do.,	10 40	
<b>15.</b>	Cash paid warrant favor F. H. Ste- vens, fiscal agent, in part of ap- propriation to defray expenses of Ann Arbor convention, held at Ann Arbor, September last,	192 50	
	<b>Carried forward,</b>	<hr/>	<b>\$</b>

# DOCUMENTS.

495

1836.	Brought forward,		
Dec. 17.	Cash paid warrant favor Jno. Mc- Donell, for services as senator, July session,	48 00	
17.	Cash paid warrant favor Wm. Dra- per for distributing 2000 copies of pamphlets of 3 sheets, at 1 cent each, of the proceedings of the Ann Arbor convention, through post office,	60 00	
23.	Cash paid warrant favor James B. Stewart, being overplus of mo- ney deposited in the treasury to defray the expenses of the com- missioners in reviewing the seat of justice in Branch county,	88 50	
		<hr/>	\$3,470 78
	Cash paid warrant favor R. Ab- bott, Auditor General, for one quarter salary,	75 00	
	Cash paid warrant favor R. Abbott, for postage,	25 00	
	Cash paid warrant favor B. Wood- worth, messenger from Detroit to Tecumseh,	20 00	
	Cash paid warrant favor B. Wood- worth, from Detroit to Pontiac,	10 00	
	Cash paid warrant favor L. Vande- walker, Sheriff Kalamazoo, for surplus money paid into the trea- sury on account of taxes,	26 25	
	Cash paid warrant favor M. J. Ba- con, December 2d,	75 00	
31.	Cash paid warrant favor K. Prit- chette, for one quarter salary,	200 00	
		<hr/>	\$431 25
	Balance in the Treasury carried to account,		\$27,131 00
			<hr/>
			\$27,210 33

[Duplicate.]

ROBERT ABBOTT,

*Auditor General, S. M.*

AUDITOR'S OFFICE, }  
January, 1836. }

(No. 5.)

*Statement of the Ordinary Expenditures of the State of Michigan during the year ending 31st December, 1836.*

Governor Mason, for one quarter year's salary, ending 3d February, 1836, at \$2000 per annum,	\$500 00
Martin Story, for services as sergeant-at-arms,	9 00
D. Petty, for cabinet work furnished Senate chamber,	910 00
J. & M. Palmer, for carpeting do. do.	136 75
Watkins & Joy, for upholstery do. do.	405 00
J. & J. Watson, for carpeting do. do.	26 25
G. B. Martin & Co., for stoves and stove pipe, furnished Senate chamber, and setting up same,	170 46
Chas. G. Hammond & Co., for carpeting and stove pipe furnished Senate chamber,	46 50
Wright & Solomon, for mahogany table and desk furnished Senate chamber,	80 00
Morrison Paulding, for stove and pipe furnished Senate chamber,	21 00
Levi Skinner, for cleaning and polishing stoves,	3 00
F. H. Stevens, fiscal agent, for pay and mileage sundry members legislature,	646 80
John Norvell, for his postage account,	55 00
A. H. Stowell, for stationery furnished the legislature,	808 79
Morse & Bagg, for printing bill,	100 00
F. H. Stevens, fiscal agent, for pay and mileage of sundry members of the legislature,	14,024 79
F. H. Stevens, for expenses attending funeral of J. P. Fay,	48 56
F. H. Stevens, for wood and other articles furnished the legislature,	147 91
A. H. McKinstry, fiscal agent, for money loaned to pay members of the legislature, 1,700 00 }	1,734 70
for interest on do. to March 5, 1836, 34 70 }	
B. Woodworth, for committee rooms,	50 00
K. Pritchette, for one quarter year's salary as Secretary of State, at \$800 per ann.,	200 00
K. Pritchette, for salary, from 1st January to 31st March, 1836,	105 24
Charles Tryon, for making index and marginal notes to the laws and journal of the special session of the legislature,	24 00

Carried forward,

\$

# DOCUMENTS.

497

Brought forward,	\$
James K. Averill, for newspapers furnished the legislature,	5 00
Tandy K. Brown, for services as engrossing clerk to the legislature,	30 00
C. C. Hascall, for pay as member of the legislature,	58 50
John Gibson, for attending the supreme court, January term,	22 50
Morse & Bagg, for printing, and other documents furnished the legislature,	680 15
L. L. Morse, for stationery furnished the legislature,	62 08
Morse & Bagg, for Free Press and extra printing furnished both houses of the legislature,	441 00
Britton & Moore, for furniture for the Secretary of State's office,	100 00
Thos. Christian, for services as enrolling clerk to the legislature,	20 00
Thos. Christian, for copying the laws of the special session of the legislature,	14 56
Alpheus White, for white-washing and plastering the Senate chamber, and washing same and furnishing boxes for the stoves,	28 05
Robert Abbott, for one quarter year's salary as Auditor General, at \$300 per ann.,	75 00
Geo. R. Griswold, for bringing up journals and other records of the House of Representatives,	60 00
Geo. W. Dexter, for going to Monroe and bringing back absent members,	20 00
Governor Mason, for one quarter year's salary,	500 00
H. Howard, for one quarter year's salary as Treasurer, at \$300 per ann.,	75 00
Moore & Chandler, for paying laborers and materials found in fitting up and cleaning the capitol,	35 75
Secretary of State, Auditor General and Treasurer, for stationery for the use of their several offices, 100 dollars each,	300 00
E. J. Van Buren, for newspapers furnished the legislature,	4 00
E. J. Van Buren, for printing laws passed at the extra session of the legislature,	25 00
McArthur & Hurlbut, for stationery furnished the legislature,	8 31
S. W. Johnson, for stationery furnished the legislature,	422 01

Carried forward,

\$

Brought forward,	\$
Wm. H. Griswold, for acting clerk for the legislature,	3 00
Rueben Gibson, for furnishing fuel for the legislature,	25 72
S. P. Fletcher, for carpeting and trimmings for Governor's room,	52 13
A. Morton, for assistant clerk to the legislature,	33 00
Moore & Chandler, for white-washing and cleaning the capitol,	20 38
Silas D. McKee, for enrolling clerk to the Senate,	35 00
Edward A. King, for furnishing records of the legislative journal and recording Executive journal,	25 00
Arch. Salmon, for two desks for the legislature,	90 25
Beriah Brown, for newspapers furnished the legislature,	6 00
M. Paulding, for furnishing stoves and pipe for the capitol,	27 72
F. H. Stevens, for salary as fiscal agent,	100 00
C. C. Trowbridge, cashier Bank of Michigan, for moneys loaned the legislature, and interest on same,	4,054 45
F. H. Stevens, president Michigan state bank, for moneys loaned the legislature, and interest on same,	6,096 95
J. E. Schwarz, for one quarter year's salary, at \$125 per ann.,	31 25
Rufus Brown, for stationery for use of Senate and House of Representatives,	58 00
Kintzing Pritchette, for one quarter year's salary,	200 00
Gov. Mason, for this amount appropriated as a contingent fund,	2,000 00
Albert Chandler, for extra services rendered the legislature,	90 00
Caleb F. Davis, for painting and glazing on capitol,	10 81
Geo. L. Whitney, for newspapers furnished the legislature,	4 00
J. J. Adam, for preparing manual and extra services,	5 00
F. H. Stevens, fiscal agent, for paying members of the legislature,	4,446 35
J. J. Adam, for extra services rendered the legislature,	15 00
J. Huston, for services as door keeper to the House of Representatives,	15 00
Geo. W. Dexter, for services as sergeant-at-arms to the Senate,	15 00
Joshua Coates, for services as reporter to the House of Representatives,	42 00

Carried forward,

\$



## DOCUMENTS.

499

Brought forward,	\$	
A. E. Hathan, for services as surveyor around the capitol,		3 00
J. J. Adam, for map for the use of the Senate,		9 00
Hamet & Vaughn, for stationery for the use of the legislature,		9 50
Edward D. Ellis, for newspapers furnished the legislature,		8 00
Stevens T. Mason, for state seal furnished,		25 00
N. H. Hart, for services as enrolling clerk to the Senate,		15 00
J. J. Adam, for extra services and a book wherein to record Executive journal,		20 00
J. B. Watson, services as clerk,		5 00
Lewis Bond, for services as sergeant-at-arms to the House of Representatives,		15 00
Jno. S. Bagg, for printing bills and other documents for the legislature,		467 36
W. S. Drake, for extra services as recording clerk to the Senate,		10 00
Albert Chandler, for extra services as recording clerk to the House of Representatives,		45 00
Thomas Lappin, for services as messenger to the House of Representatives,		15 00
F. H. Stevens, for stationery furnished the legislature,		192 32
S. McKnight, his postage account,		16 37
Thos. Christian, for services as enrolling clerk to the House of Representatives,		10 00
L. L. Morse, for stationery furnished the legislature,		118 69
E. P. Gardner, for newspapers furnished the legislature,		8 00
Diodate Hubbard, for services as sergeant-at-arms during the absence of sergeant,		10 00
John Griffin, for services at capitol during vacation and on the Executive office,		46 75
William A. Fletcher, for salary as circuit judge from 1st April to 4th July,		387 32
William A. Fletcher, for one-fourth year's salary as commissioner to revise the laws, \$1,500 per year,		375 00
John Delafield, Esq., cashier Phoenix bank, for one-half year's instalment of interest due 1st November, 1836, on the \$100,000 loan,		3,000 00
John E. Schwarz, for one-fourth year's salary as adjutant general,		21 00

Carried forward,

\$

Brought forward,	
George R. Griswold, for furnishing and preparing complete for the press, the journals of the House of Representatives,	20 00
Epaph's Ransom, for salary as associate justice of the supreme court, from the 18th July to October 1, 1836, at \$1,500 per annum,	295 89
George Morell, for salary as do. to October 1, 1836, do.	301 03
W. C. Whiteman, for services as clerk of Cass county, copying returns of the vote for sheriff of said county,	9 84
Robert Abbott, for salary as Auditor General of the territory, from 1st to 28th February, 1836, at \$200 per annum,	16 00
William A. Fletcher, for salary as Chief Justice, from 4th July to 30th September, 1836,	380 29
Kintzing Pritchette, for one-fourth year's salary as Secretary of State,	200 00
Kintzing Pritchette, for the purpose of effecting insurance on the capitol,	100 00
Henry Howard, for one-fourth year's salary as Treasurer,	75 00
Robert Abbott, one-fourth do. do. as Auditor General,	75 00
Robert Abbott, for postage on letters received at Auditor General's office,	25 00
William A. Fletcher, for one-fourth year's salary as commissioner to revise the laws,	375 00
Secretary of State, Auditor General and Treasurer, for office rent up to January 1, 1837, \$50 each,	150 00
H. Howard, for extra services as Treasurer,	100 00
William H. Griswold, for clerk to the House of Representatives,	3 00
William Hill, for white-washing rooms in capitol,	24 25
Snow & Fisk, for stationery furnished the legislature and Executive,	88 32
Kintzing Pritchette, for making an index and marginal notes to the laws,	30 00
Governor Mason, for one-fourth year's salary,	500 00
Elon Farnsworth, for salary as Chancellor from the 18th July to 30th September, 1836, at \$1,500,	301 03
Daniel LeRoy, for one-fourth year's salary as Attorney General,	50 00

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Carried forward,

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# DOCUMENTS.

101

, Brought forward,		
Governor Mason, for one-fourth year's salary up to 31st October, 1836,		500 00
H. Howard, for one-fourth year's salary as Treasurer,		75 00
F. Charter, for pay as member of the legislature,		87 50
S. P. Fletcher, for arrearages on carpeting,		10 50
George P. Davis, for glazing dome on capitol,		5 68
William Terry, for extra services as messenger to the legislature,		10 00
H. D. Garrison & Co., for boxes furnished the capitol,		2 50
F. H. Stevens, fiscal agent, for cash paid J. McDonell, chairman committee ways and means, for materials furnished and labor done on capitol,		150 00
F. H. Stevens, fiscal agent, for cash paid J. McDonell, chairman committee ways and means, for materials furnished and labor done on roof of capitol,		390 00
John McDonell, for member of legislature,		48 00
S. Vandewalker, for this amount paid into the treasury, a surplus of the amount of taxes collected in Kalamazoo county, being the fees of town and county clerks,		28 25
R. Abbott, for one-fourth year's salary as Auditor General,		75 00
R. Abbott, for postage account on documents received at and sent from his office,		25 00
K. Pritchette, for one-fourth year's salary as Secretary of State,		200 00
		<hr/>
		\$50,301 26

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
*Detroit, December 31, 1836.* }

*State of Michigan, in account with Henry Howard, Treasurer*

Dr.

1836.

Oct. 5. To paying warrant favor Jno. E. Schwarz,	\$31 25	
F. H. Stevens, fiscal agent,	27 00	
F. H. Stevens, fiscal agent,	1,782 42	
	<hr/>	\$1,840 67
Carried forward,	\$	\$

	Brought forward,	\$	\$
1836.			
Oct. 12.	To F. H. Stevens, fiscal agent,	84 00	
	F. H. Stevens, fiscal agent,	20 00	
		<hr/>	104 00
17.	George Morell,	301 03	
	Epaph's Ransom,	295 89	
	Martin Story,	45 00	
	John Sleeper,	60 00	
		<hr/>	701 92
	John Delafield, Esq. Cashier Phenix bank, New York, to meet half yearly instalment of interest due 1st Nov., 1836, on loan of \$100,000,		3,000 00
21.	Elon Farnsworth,	\$301 03	
	Mann, Thayer & Abbott,	180 00	
		<hr/>	481 03
27.	Daniel Le Roy,		50 00
Nov. 1.	Gov. Mason,		500 00
17.	A. H. Stowell,	141 00	
	John Berry,	141 00	
		<hr/>	282 00
28.	Abraham Butts,	62 50	
	J. K. Grosvenor,	10 00	
	D. C. Jennings,	62 75	
24.	J. C. Abel,	102 50	
29.	H. A. Levake,	150 00	
		<hr/>	387 75
30.	A. H. Stowell,	177 00	
	John Berry,	177 00	
	Henry Howard,	75 00	
		<hr/>	429 00
Dec. 2.	Geo. R. Griswold, for F. Charter,	37 50	
	Jeremiah Riggs,	141 00	
	Jeremiah Riggs,	177 00	
	S. P. Fletcher,	10 50	
	Geo. P. Davis,	5 68	
	Wm. Terry,	10 00	
		<hr/>	381 68
6.	H. D. Garrison & Co.,	2 50	
	F. H. Stevens, fiscal agent,	150 00	
	F. H. Stevens, fiscal agent,	390 00	
		<hr/>	542 50
8.	William H. Hoag,	24 00	
	Daniel Le Roy,	10 40	
		<hr/>	34 40
	Carried forward,	\$	\$

## DOCUMENTS.

503

Brought forward,		\$	\$
1836.			
Dec.21.	To John McDonell,	48 00	
	William R. Thompson,	45 00	
	C. C. Douglass,	484 50	
	William Draper,	60 00	
	F. H. Stevens, fiscal agent,	192 50	
	M. J. Bacon,	75 00	
			905 00
23.	J. B. Stewart,		83 50
26.	S. Van De Walker,	26 25	
	R. Abbott,	75 00	
	R. Abbott,	25 00	
	B. Woodworth,	30 00	
			156 25
Dec.31.	To paid warrant for K. Pritchette, one		
	quarter year's salary,		200 00
	Balance carried to credit of the state,		27,130 68
			<u>\$87,210 38</u>

## Cr.

1836.			
October	1.	By balance on hand this day,	\$34,676 84
	5.	By amount received of Warren Chase,	
		auctioneer, duties on goods,	9 80
		Henry Doty, auctioneer, duties on	
		goods,	161 15
		James Filson, auctioneer, duties on	
		goods,	21 33
	17.	Lucius Lyon, to defraying expense of	
		commissioners in locating Sanilac	
		county site,	105 00
	31.	James Patchen, sheriff of Lenawee	
		county,	214 00
Nov.	12.	Geo. W. Hoffman, auctioneer, duties	
		on goods,	1 62
	17.	K. M. Henderson, to defraying ex-	
		pense of commissioners in locating	
		Gratiot county site,	423 00
Dec.	24.	Wm. Anderson, sheriff of Washtenaw	
		county, taxes,	41 12
	26.	N. Hubble, sheriff of Monroe co., taxes,	150 00
		Elias Taylor, sheriff of St. Joseph	
		county, taxes,	293 00
			<u>          </u>
		Carried forward,	\$

	Brought forward,	
1836.		
Dec. 26.	Eben. Root, sheriff of Cass county, taxes,	100 20
	H. Pratt, auctioneer, duties on goods,	20 00
	H. Neil, auctioneer, duties on goods,	3 00
	F. H. Stevens, overplus paid him for Wm. H. Griswold,	3 00
30.	Lemuel Goodell, auctioneer, duties on goods,	41 03
	J. M. Willson, sheriff, taxes,	800 00
31.	H. Doty, auctioneer, duty on goods,	146 24
		<hr/>
		\$37,210 33
		<hr/>
Dec. 31.	By balance on hand this day,	\$27,130 00

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
*Detroit, December 31, 1836.* }

*Statement of Receipts into the Treasury of the State of Michigan  
during the year ending 31st December, 1836.*

1836.		
Mar. 3.	Received part of the loan of one hundred thousand dollars,	\$36,000 00
22.	Balance to the credit of A. H. McKinstry fiscal agent, re- ceived from the Michigan state bank,	32 75
	This sum loaned of the Bank of Michigan,	\$4,000 00
	This sum loaned of the Michi- gan state bank,	6,000 00
		<hr/> 10,000 00
April 13.	Of Lemuel Goodell, auctioneer, duties on goods,	49 03
May 9.	Of sheriff of Calhoun county, for taxes,	137 00
21.	Of L. J. Daniels and George Cooper, expense of commis- sioners in locating Van Buren county site,	252 75
		<hr/>
	Carried forward,	

## DOCUMENTS.

505

1836.	Brought forward,	\$	
June 2.	Of sheriff of Lapeer county, for taxes,		24 70
4.	Of C. Thayer, part, but in full of expense of locating Ingham county site,		48 60
7.	Of sheriff of Monroe county, for taxes,		500 00
13.	Balance of the loan of one hundred thousand dollars,		64,000 00
	Of J. B. Stewart, to defray the expense of commissioners reviewing Branch county site,		250 00
15.	Of Andrew Mack, to defray the expense of commissioners in locating Shiawassee county site,		123 42
28.	Of James Filson, auctioneer, duties on goods,		135 09
30.	Of Lemuel Goodell, auctioneer, duties on goods,		47 78
July 2.	Of sheriff of Kalamazoo county, for taxes,		267 47
	Of sheriff of Allegan, county, for taxes,		68 35
	Of sheriff of Jackson county, for taxes,		35 15
	Of A. H. Stowell, auctioneer,		00 07
6.	Of Levi Cook, balance in his hands as late territorial treasurer,		1,221 45
11.	Of sheriff of Calhoun county, for taxes,		8 00
15.	Of sheriff of Washtenaw county, for taxes,		274 05
	Of William White, auctioneer, duties on goods,		2 00
21.	Of sheriff of Branch county, for taxes,		58 50
26.	Of sheriff of Washtenaw county, for taxes,		10 00
Aug. 13.	Of sheriff of Wayne county, for taxes,		1,000 00
15.	Of sheriff of Livingston county, for taxes,		25 66

Carried forward,

\$

1836.	Brought forward,	\$	
Aug. 31.	J. W. Hall, auctioneer, duties on goods,		8 66
	Of sheriff of Hillsdale county, for taxes,		22 87
Sept. 10.	Of sheriff of Washtenaw county, for taxes,		264 62
21.	Of coroner of Lenawee county, for taxes,		81 29
30.	Of Lemuel Goodell, auctioneer, duties on goods,		48 61
	Of Lemuel Goodell, auctioneer, duties on goods,		1 88
	Of sheriff of Jackson county, for taxes,		11 50
Oct. 5.	Of Warren Chase, auctioneer, duties on goods,		9 80
	Of Henry Doty, auctioneer, duties on goods,		161 15
	Of James Filson, auctioneer, duties on goods,		21 33
17.	Of Lucius Lyon, to defray the expense of commissioners in locating Sanilac county site,		105 00
21.	Of sheriff of Lenawee county, for taxes,		214 00
Nov. 12.	Of W. Hoffman, auctioneer, duties on goods,		1 62
17.	Of H. M. Henderson, to defray expense of commissioners in locating Gratiot county site,		428 00
Dec. 24.	Of William Anderson, sheriff of Washtenaw county, for taxes,		41 12
26.	Of N. Hubble, sheriff of Monroe county, for taxes,		150 00
	Of E. Taylor, sheriff of St. Joseph county, for taxes,		293 00
	Of Eben Root, sheriff of Cass county, for taxes,		100 20
	Of H. Pratt, auctioneer, duties on goods,		20 00
	Of H. Neil, auctioneer, duties on goods,		3 00
	Of F. H. Stevens, for this amount		

Carried forward,

\$



## DOCUMENTS.

507

1836.	Brought forward,	\$	
Dec. 26.	over paid him for William H. Griswold,		3 00
30.	Of L. Goodell, auctioneer, duties on goods,		41 03
	Of J. M. Wilson, sheriff of Wayne county, for taxes,		800 00
	Of H. Doty, auctioneer, duties on goods,		146 24
			<hr/>
			\$117,544 74
			<hr/>

*Recapitulation.*

Loans,	\$110,000 00
Taxes,	5,611 93
Auction duties,	697 29
County sites,	1,202 79
A. H. McKinstry, fiscal agent,	32 75
	<hr/>
	\$117,544 74

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
 Detroit, December 31, 1836. }

*Statement of Moneys paid the following persons for services as Commissioners in locating County Sites, &c.*

John Bronson,	Ingham county,		\$48 60
John Greenfield,	Shiawassee do.	\$41 14 each,	123 42
Samuel Axford,			
Garry Spencer,			
John Sleeper,	Sanilac do.		60 00
Martin Story,	do. do.		45 00
John Berry,	Midland do.	\$117 00 each,	531 00
A. H. Stowell,			
Jeremiah Riggs,			
John Berry,	Gratiot do.	\$141 00 each,	423 00
A. H. Stowell,			
Jeremiah Riggs,			
H. Whightman,	Reviewing Branch county site,		54 00
Charles Grant,			70 50
Wm. H. Hoag,			42 00
			<hr/>

Carried forward,

\$

Brought forward,	
James B. Stuart, for balance due him for moneys deposited to defray the expense of reviewing the county site of Branch county,	88 50
	<hr/>
	\$1,481 02

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
 Detroit, Dec. 31, 1836. }

*Abstract of Receipts and Expenditures of the State of Michigan for the year ending December 31, 1836.*

<i>Receipts</i> —From Loans,	\$110,000 00	
“ Taxes,	5,611 93	
“ Auction duties,	697 29	
“ County sites,	1,202 77	
“ A. H. McKinstry, fiscal agent,	32 75	
	<hr/>	\$117,544 74
<i>Expendt's</i> —For Ordinary purposes,	50,301 26	
“ Extraordinary do.	38,631 78	
“ County sites,	1,481 62	
	<hr/>	
	90,414 06	
Balance on hand,	27,130 68	
	<hr/>	\$117,544 74

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
 Detroit, Dec. 31, 1836. }

*Statement of the extraordinary expenditures of the State of Michigan, during the year ending 31st December.*

Kintzing Pritchette, for services and expenses going to and returning from Philadelphia, New-York and Boston, to negotiate the loan of \$100,000,	\$354 00
Sheldon McKnight, for printing the proceedings and journals and all other documents of the convention to form the constitution,	750 05
John A. Welles, cashier Farmers' and mechanics' bank, for this amount loaned by Levi Cook, Esq., territorial treasurer, 6,561 75	
Interest on do. from 24th June, 1835, to March 3d, 1836,	316 40
	<hr/>
	6,878 15
	<hr/>
Carried forward,	\$

## DOCUMENTS.

509

Brought forward,		\$	
C. C. Trowbridge, cashier Bank of Michigan, for this amount loaned by Levi Cook, Esq., territorial treasurer,	10,636 06		
Interest on do. from 24th June, 1835, to March 4, 1836,	514 96		
			11,151 02
Charles W. Whipple, for services rendered by an assistant clerk under the direction of the convention to form the constitution,			8 00
Chas. W. Whipple, as secretary to do. do.			15 00
Marshall J. Bacon, do. do. do.			15 00
S. N. Gantt, for printing the proceedings of the Ann Arbor convention, furnishing paper and binding in pamphlet form,			192 50
William Draper, for distributing the proceedings of said convention,			60 00
H. A. Levake,	\$150 00	} Pay as special messengers, conveying to seat of government of the state, return of votes given for President and V. Pres't of the U. S.,	
Julius C. Abel,	102 50		
Abr'm Butts,	63 50		
Darius C. Jennings,	62 75		
L. K. Grosvenor,	10 00		387 75
Wm. H. Hoag,	\$24 00	} Pay as electors of President and Vice-President,	
Daniel LeRoy,	10 40		84 40
C. C. Douglass, for his services and expenses as agent to locate state lands,			484 50
Sundry persons, for services in maintaining the supremacy of the laws,			13,591 43
F. H. Stevens, fiscal agent, for expenses attending the late Ann Arbor convention,			1,893 42
A. H. McKinstry, cashier Michigan state bank, for cash loaned Governor Mason, expended in maintaining the supremacy of the laws,	2,700 00		
Interest on do. to March 19, 1836, five months and fifteen days,	86 62		
			2,786 62
B. Woodworth, for services as express from Detroit to Tecumseh and Pontiac, conveying to the electors of President and Vice-President the certified statement of the board of state canvassers, agreeably to the 12th section of act of March, 1836,			30 00
			<u>\$38,631 78</u>

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
*Detroit, December 31, 1836.* }

*Report of the State Treasurer.*

STATE TREASURER'S OFFICE, }  
*Detroit, Dec. 31, 1836.* }

SIR—Agreeable to your instructions, I herewith present you with my account current with the state of Michigan, up to this day inclusive, showing a balance on hand of \$27,130 68, to the credit of the general fund; and also the contingent account, showing an unexpended balance to credit of that account of \$281 55.

There has been received into the treasury during the past year, commencing 1st March, 1836, at which time the state treasury was organized, the sum of \$117,544 74, as per statement herewith rendered, as follows:

From loans,	\$110,000 00
From auction duties,	697 29
From taxes, including balance received of L. Cook, Esq., Treasurer,	5,611 93
From A. H. McKinstry, balance in his hands as fiscal agent,	32 75
From sundry persons, to defray the expense of re- viewing and locating county sites,	1,202 77
	<hr/>
	\$117,544 74

And there has been expended during the same period, for all purposes, the sum of \$90,414 06, as per statement, as follows:

For moneys loaned of banks and ordinary expenses of government,	50,301 26
For extraordinary expenses of ditto, including ex- pense of maintaining the supremacy of the laws,	38,631 78
For locating and reviewing county sites,	1,481 02
	<hr/>
	\$90,414 06

You will observe by the above statement, the ordinary receipts of the state have been from auction duties and traders' licenses, and amount to only \$5,611 93; while the ordinary expenses of the state amount to \$50,301 26, showing a deficit in receipts to meet those expenses of \$44,689 33, which has been made up from loans.

I also present you with a statement showing the probable ordinary demands upon the treasury the ensuing year, amounting to the sum of \$51,025 00, for the following objects, viz:

For salaries of state officers,	\$10,525 00
---------------------------------	-------------

Carried forward,

\$

Brought forward,	\$	
For expense of the present session of the legislature,	18,450	00
For cleaning and fitting up capitol, and insurance on the same,	250	00
For contingent fund,	3,000	00
For interest on the loan of \$100,000, 6 per cent.,	6,000	00
For expense of the December session of the Ann Arbor convention, to assent to the proposition of Congress for the admission of the state into the Union,	2,500	00
For expense of the special messengers, conveying to Washington the assent to the proposition of Congress,	800	00
For outstanding claims upon the state for services in maintaining the supremacy of the laws,	9,500	00
	<hr/>	
	\$51,025	00

In order to meet those demands, sound policy dictates that a further resort to loans is unwise, and until the state has permanently established other sources of revenue, it is highly necessary that the state tax now in progress of collection in some of the counties should be generally and vigorously enforced; so that the moneys accruing from that source may early reach the treasury. What amount of money will accrue from that tax, I am unable, for want of proper data in this office, to decide; sufficient, however, I should presume, with the balance now on hand to meet the demands for the ensuing year.

If it was definitely settled what length of time Michigan will be permitted to retain the share of the surplus fund she is entitled to receive from the general government, upon her admission into the Union, better provisions might be made for investing that fund, so that the interest might be applied to meeting the future ordinary expenses of the state, and thereby proportionably relieve the people from the burthen of a direct tax.

But as the retaining the surplus fund by the state a great length of time seems to be a matter of much doubt, I am of opinion that no reliance should be placed upon the use of that fund for defraying the ordinary expenses of the government.

In order, therefore, to provide a permanent source of revenue to meet the future ordinary expense of supporting the government, I would suggest in addition to the receipt of moneys from the present ordinary sources (which are limited and entirely inadequate,) the propriety of investing the surplus fund in either the stock of a bank, based in part upon that fund and under the patronage and supervision of the state, or in the stocks of some of the existing banking institutions now in operation, and apply-

ing the dividends upon said stock in part to meet the ordinary expenses of the state.

To provide for the contingency of a recall by the general government of the surplus fund, of which notice will undoubtedly be given, the state can provide to meet the deficit of stock thus occasioned by an issue of her own stocks to an equal amount.

The example of several of the states already exhibited in the disposal of the surplus fund, leads me to the conclusion that in order to preserve a like good faith of the state with the general government in accepting this fund, such measures should be adopted in regard to its disposition as will enable the state at short notice to provide for its repayment.

Upon mature consideration, these seem to me to be the most feasible plans of investing the surplus fund. Whether any mode more preferable can be suggested, having in view the good faith of the state towards the general government, and at the same time a safe and available investment of these moneys, by which the dividends may be applied to the ordinary expenses of the state, must be left to the wisdom of the legislature to decide.

I am, sir,

Very respectfully,

Your obedient servant,

HENRY HOWARD, *Treasurer.*

*To his excellency STEVENS T. MASON,*

*Governor of Michigan.*

*State of Michigan to Henry Howard, Treasurer, on account of the Contingent Fund, under the direction of the Governor of the state.*

Dr.

1836.

June 30.	To paid John Norvell his account for postage, due on letters received and sent on official business, by the Executive and Secretary of State, from 1st January to 30th June, 1836,	\$49 44
Sept. 10.	Wm. H. Griswold's account for copying the Governor's message and laws of the state,	15 00
	James Chambers' account for services in the Executive office and office of the Secretary of State,	15 00
Oct. 21.	Account for fuel for Secretary of State and Treasurer's office,	30 00

Carried forward,

\$

1836.	Brought forward,	\$	
Nov. 23.	L. L. Morse's account for stationery for Executive office,		14 01
28.	John S. Bagg's account for printing the laws of the state,	1,595	00
Dec. 31.	Balance to new account,	281	55
			<hr/>
		\$2,000	00

CR.

1836.			
July 7.	By this amount appropriated by "Act approved March 28, 1836,"	\$2,000	00
Dec. 31.	Balance on hand this day,	281	55

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }  
 Detroit, Dec. 29, 1836. }

(No. 6.)

*First Annual Report of the Bank Commissioner of the State of Michigan.*

*To the Honorable the Legislature  
 of the State of Michigan:*

The Bank Commissioner, pursuant to the provisions of the law creating a fund for the creditors of certain moneyed corporations, and for other purposes, respectfully reports—

That there are now chartered, in the state, sixteen banks; three of which have the privilege of establishing branches. Six of that number are subject to the provisions of the bank act, as follows: the Erie and Kalamazoo railroad bank, Bank of Ypsilanti, Bank of Constantine, Bank of Clinton, Calhoun county bank, and Oakland county bank. One, the Bank of St. Clair, is subject to the general supervision of the Commissioner. The remaining nine are liable to report, when required, to the Governor or to the legislature; they are as follows: the Bank of Michigan, the Farmers' and mechanics' bank of Michigan, the Michigan state bank, the Bank of the River Raisin, the Bank of Monroe, the Bank of Washtenaw, the Bank of Pontiac, the Bank of Tecumseh and the Macomb county bank.

The Bank of Michigan has a branch at Bronson, in operation; and the Farmers' and mechanics' bank one at St. Joseph's, also in operation. The bank of the River Raisin is allowed to

establish a branch at Pontiac, but they will not, I believe, avail themselves of the law.

The total amount of capital allowed to these institutions is SEVEN MILLIONS ONE HUNDRED THOUSAND DOLLARS. One million five hundred thousand dollars, included in the above, is allowed to banks not yet in operation.

The Macomb county bank will, as I am informed, go into operation by next summer. The Bank of Clinton, in about two months. The Calhoun county bank, the 15th of February next. The books for subscription to the capital stock of the Bank of Constantine, were by law to be opened on the first instant. The commissioners to distribute the capital stock of the Oakland county bank, have refunded the amount subscribed, not deeming the opening of the books in accordance with the act of incorporation. They have applied to the legislature for an amendment to that part of the charter which obliges them to open the books of subscription on the first Monday in October, to which application there can exist no objection.

The following table will show the amount of capital authorized to each bank, and the amount paid in, according to the returns. From those left blank, no returns have been received at this time. The last six are the banks under the safety fund law. The first column contains the name of the corporation; the second, the amount of the authorized capital; and the third, the amount of the capital stock paid in on the amount subscribed.

Bank of Michigan,	\$850,000	\$500,000	
Farmers' and mechanics' bank			
of Michigan,	750,000	400,000	
Michigan state bank,	500,000	140,000	
Bank of the River Raisin,	500,000	150,000	
Bank of Monroe,	500,000	50,000	reputed.
Bank of Washtenaw,	500,000	100,000	
Bank of Pontiac,	500,000	99,235	
Macomb county bank (not in operation)	500,000		
Bank of Tecumseh,	500,000	30,000	
Bank of St. Clair,	250,000	20,000	
Erie and Kalamazoo railroad bank,	500,000	50,000	
Bank of Ypsilanti,	250,000	40,000	
Bank of Clinton, (not in operation)	250,000	10,000	
Calhoun county bank, ditto,	250,000		
Oakland county bank, ditto,	250,000		
Bank of Constantine, ditto,	250,000		
Bank of Detroit, (broken)	500,000		not incl. in total.
<hr/>			
Total capital,	\$7,100,000		
Paid in,			
Balance not used,			



In addition to the above, there are in circulation notes, in every respect similar to bank notes, purporting to be issued by the "Lake Erie and River Raisin railroad company." The notes are payable on demand, to the order of J. Q. Adams, or bearer, at their office in the city of Monroe, and bear the signatures of a president and cashier.

I have given the act of incorporation of said company a full examination, and I am clearly of the opinion that the issue of such notes is not in accordance with their chartered rights, or the laws of the state.

At the request of the Governor, and in accordance with my own sense of official duty, I visited Monroe, to make some inquiries into the existence and purposes of said company. I found no public office, but called on the president, who is also postmaster, at the post office. He informed me that the company had not transacted banking business; but, in his opinion, strengthened by the advice of counsel in the city of New York, they had an equal right to do so, under their charter, as had the Manhattan company in the city of New York. The charter of the Manhattan company differs in its language from the charter of the said company, and was made a law previous to the passage of the restraining law in the state of New York, and was especially excepted when said law was passed. The clause of the charter under which the powers are claimed by the railroad company, is as follows: it is in the 11th section, on the 362nd page of the printed laws:

*"Also to grant such evidence of debt, which may be incurred by said company, as may be by the by-laws thereof directed, to such an amount as shall be deemed necessary for the transacting the business of the same."*

I applied by bill, to the court of chancery, for an injunction and a writ of subpcena, against the president and directors of said company, but the Chancellor decided that an injunction could not issue, on the information of the Commissioner, inasmuch as the law creating said Commissioner's office was passed and approved two days subsequent to the charter of the railroad company, and of course the general provisions of the bank act would not apply to said company. In addition to that objection, there exists still another, which is found in the 26th section, on the 369th page of the laws.

*Sec. 26. All acts and parts of acts contravening the provisions of this act be, and the same are hereby, repealed.*

It is rather difficult to account for the appearance of such a section to an original bill, concerning which, there could exist no *special law*; of course then, the clause was meant to protect the corporation against the effect of all general provisions relative to the subject of moneyed incorporations.

It appears evident that an attempt has been made, under the color of right, to exercise powers and privileges not granted in the charter or contemplated by the Executive or the legislature.

I would therefore respectfully suggest that the matter be referred to a standing or special committee, to be immediately acted upon; and that, in order to mitigate the evil, the Attorney General be instructed to obtain a writ of *quo warranto* against said corporation, and during the pendency of said writ, apply to the Chancellor for an injunction, till the decision be had on the writ.

Reports, derogatory to the character of the Bank of Monroe, have been for some time in general circulation, and though their notes are received in deposit by one of the city banks, and the president has made a public declaration of its solvency, still its notes are in bad repute. I know, from personal knowledge, that the reports have extended generally over the country, and in the cities of New York and Philadelphia the weekly quotation of the discount on bank notes, says, Monroe bank, "no sales." In Cleveland, so late as the 29th ultimo, it was announced in a public print that the bank had stopped payment.

If the reports are unjust and without foundation, it is due to the bank and the public that they should be contradicted in such a manner as to remove all complaint. If they are in any measure true, the safety of the bill-holder and the interest of the community demands an exposition of the affairs of the bank, and a disclosure of the causes which have led to such a result.

There is at once a source and way of inquiry and a remedial course pointed out in the following section, which is on the 526th page of the volume of the territorial laws printed in 1827.

*Sec. 23. That any committee, specially appointed by the legislature for that purpose, shall have the right of examining into the doings of said corporation, and shall have free access to all their books and vaults; and if upon such an examination, and after a full hearing of said corporation, it shall be determined by the legislature that said corporation have exceeded the powers granted by this act, or failed to comply with the conditions and restrictions thereof, then this act of incorporation shall be declared forfeit and void.*

I would here suggest whether such power may not be placed in the Commissioner, as a committee, and the examination immediately made.

With the exceptions above, the banks are all sound and the currency good, and our state money is better abroad than as a whole it has ever been before.

The Commissioner, in making up his report, has found the want of some general law relative to the sources from whence the requisition for a statement from each bank, an annoyance. Some banks are bound by their charter to report only to the legislature,

and some to the Governor. Perhaps a law requiring the statements to be made when required by the Commissioner, would be accepted by the banks, in lieu of the provisions now contained in their charters, and render the system more compact and uniform.

The question, how far the increase of capital and the extension of banking facilities is required, or may be deemed safe? is, I am well aware, the peculiar province of the legislature; but it will not, I believe, be deemed wholly impertinent to the duties of my office, as one of the subjects embraced in an annual report. The considerations involved in a just and complete view of the subject, are too numerous to meet with minute notice in a view which must be comparatively brief.

The amount of capital, as stated above, is \$7,100,000; of this amount, at the extreme estimate, only about \$2,100,000 is subscribed for, leaving an unappropriated balance of \$5,000,000. Why this amount is left untouched? is a question for the different corporations to answer. The natural inference is, that it is not needed in the transactions of the country; for if a bank can so use all the capital allowed to it, as to make any thing therefrom, it will do it. If old banks, with steady customers and all their exchanges established, and a knowledge of the individual responsibility of a large set of debtors, cannot find it for its interests to extend its capital, it is evident that a new bank cannot do so.

There is a point beyond which the increase of banks is undoubtedly an evil; where that is, is scarcely definable, nor can it be considered fixed, but changed by the circumstances which change and mould the national transactions in bullion. American banking is a national experiment, and is nothing but the enlargement of an extensive paper credit system, upon a specie basis it is true, but so small in comparison with the issues, that it scarcely seems a security. The amount of specie in the United States, in comparison with the circulation, is smaller than in any civilized nation.

In the state of New York, by the annual report of the bank commissioners, it appears that on the 1st of January, 1836, the circulation of the eighty-six banks in that state was \$21,127,927, the specie \$6,224,646, or about one dollar in specie to every \$3 39 in paper.

In the state of Massachusetts, by the report of the secretary of state, on the 1st of October, 1836, the circulation was \$10,892,249, the amount of specie \$1,455,004, or about one dollar in specie to \$7 48 in paper.

In Michigan, from five banks, with a capital paid in of \$1,280,000, there is a circulation of \$964,170, and specie \$507,211, or one dollar in specie to \$1 90 in paper; a larger proportion by far than in either New York or Massachusetts.

The two first returns may, I presume, be taken as a fair criterion of the United States.

It will readily appear that the credit currency is already immense, and that the banks cannot redeem their notes with specie on presentation. I know that the notes of other banks, loans, and amounts due from other banks, are placed as an offset to the circulation; but the debts due to other banks, the deposits and the stock, all of which are among the liabilities of a bank, are a fair offset to the above named resources. It is true, public expediency and the impossibility of running any number of banks at one and the same time, would prevent a general bankruptcy, but the banks may be increased to such an extent as to render a very general run possible and probable. The wants of the merchant, mechanic and farmer, all of whom must do business on credit, and on an hypothecation of their stock and labor, demand the incorporation of banks where, as is the case in this country, the circulating medium is not sufficient. But are more banks necessary to the wants of the community? Doubtless in some sections there are more needed, and they should be granted, under judicious regulations, but the public are certainly not to be benefitted by the increase of presidents and directors and cashiers; or by the increase of *currency* alone. If banks added a real *capital* the case would be different; but though they add a kind of capital, which answers for the general purposes of business, still it serves only to increase the wild spirit of speculation, which, in this western country, bids fair to uproot all legitimate business.

It is a difficult matter for a calm, well balanced mind, aided by years of experience, to withstand the temptations which investments in city and village lots and wild lands hold out; and to one not so blessed, it is almost a miracle if he escapes. Is it then morally right to increase the inducements, which are already sufficiently great, by creating a greater *currency*, and making the means of purchasing fancy property, or such as has only a fancy or estimate value?

The bank commissioners of the state of New York strongly recommend, instead of the creation of new banks, the increase of the capital of the smaller institutions. And they express the opinion that the small banks, that is with \$100,000 capital, had far better be increased than to make new ones of similar capital. Why then would not the same course be best adapted to the wants of the people of Michigan, which has already a dormant capital of \$5,000,000? From the notices which have fallen under my own eye, the amount of additional capital to be applied for is over \$8,000,000; and some of the applications come from sections of the country where the deposits would not equal \$10,000 per annum. These applications seem based upon the desire to be relieved from the effects of the pressure; a pressure

which has been co-extensive with the Union, and which has been long predicted by the prudent and cautious.

The cause of the pressure (the severest, doubtless, which has been known since the war of 1812 was terminated) has been widely sought for by the statesman and the political economist. Some have found it in the consequences of the extensive conflagration in the city of New York, in December, 1835, which destroyed about \$20,000,000 of property; others see it in the derangement created in domestic exchanges, by the closing the affairs of the United States Bank; others are confident the blame is to be attached to the present administration, which has so regulated the revenue as to have a surplus in the treasury of nearly \$50,000,000. By others, it is attributed to the specie circular, whereby government lands are sold only for specie; and by another class, it is found in the spirit of overtrading and speculation, which has raged for the last three years.

To me it appears that the last mentioned is the great moving cause of all; the others may have had a trifling influence, but they could never singly have caused so great an effect. An individual who has observed the course of things for the last few years will acknowledge that speculation has produced a state of affairs which would not have known an existence without it; for it has given to many kinds of property a false and unreal value, and by absorbing capital and labor and men, has increased the already high prices demanded for the necessaries of life. I would for one give every chance and every lawful encouragement to enterprize and agricultural and commercial activity, but I would check, if not stop, the course of speculation. Banks are, if not the first, the last resort of speculators; and when they refuse to lend, forced sales or borrowing is the consequence; but in most cases the banks are again resorted to, and then comes the pressure. And perhaps on no one class of citizens is the effect more evident, than on the merchants. In the south, west and north this exists, and during the last six months, millions of notes and acceptances have been returned to New York under protest, the country merchant having invested his means in speculation, in the building up of cities or the monopolizing of some particular branch of commerce. Thus then the eastern merchant has in his turn to call on the banks; they become extended; are fearful of the consequences, and curtail their discounts; then comes the treasury order, and their own safety demands a farther withdrawal of their liabilities, and the second act of the pressure is on the stage. The end was inevitable, and the longer it was deferred the greater would have been the shock; against this evil the order was a remedy, and its good effects are now clearly visible. The banks are sound, true property has its value, and money is in a more healthy state.

The repeal of the restraining laws has agitated the public mind in a neighboring state, and has extended even to us. The law here is framed in all its material points after the statute of New York, and contains the general inhibition of the exercise of any of the privileges now by charter granted to incorporated companies. So much as prevents individuals or companies from issuing promissory notes, is founded on equity and justice, and is a wise provision; for if the great evil complained of in banks is the creating a currency far beyond their actual capital, how much greater must that evil become when individuals, irresponsible it may be, shall increase the paper currency? If example is to be regarded in such matters, we have one in the state of New York, in the total derangement of the currency and stagnation of business which the want of the restraining law produced in 1817. No fair example can be adduced from England, for there the system of banking is entirely different from that which is in existence in the United States. Some modification of the law, which would permit individuals to discount for specie, or the bills of the banks in this state, might be advantageous under certain restrictions.

There now stands on the statute book a law prohibiting the circulation, in this state, of notes of banks located in other states of a less denomination than five dollars. If the provisions of such a law are salutary, it seems proper that some person should be charged with the duty of compelling its observance, or else it should be erased from the statute book. Such a law would increase the specie circulation and be beneficial to our own banks.

The nineteenth section of the fourth article of the constitution, says:

*"No member of the legislature shall receive any civil appointment from the Governor and Senate, or from the legislature, during the term for which he is elected."*

Commissioners to distribute bank stock are offices of trust and emolument; are appointed by the legislature and Governor, and do most certainly come within the meaning, if not the strict letter, of the constitution. In other states, where no law exists on the subject, it is generally, by common consent, deemed inconsistent to appoint a member of the legislature a commissioner; inasmuch as it is a reward for his vote, whether he so considers it or not. In this state it is undoubtedly merely an oversight.

As the object of the bank act was not only to raise a fund, but to introduce a general system which should embrace all the banks, I would respectfully suggest whether some inducement should not be held out to induce other institutions to come under its provisions. The good effect of such a general system is seen in the state of New York. Her institutions are sound, the public have more confidence in the notes, and failures are less frequent than



in any state in the Union. I am not prepared to name any inducement, but hope the subject will meet with consideration.

The assertions made against some of our banks, that they used their funds for shaving in New York, is unjust to the banks generally, and, I believe, equally inapplicable to any one.

The fact that my first report and the tables which I had prepared were destroyed by the fire on Wednesday morning last, whilst in the printer's office, and that this has been hastily written during parts of yesterday and to-day, together with the recent assumption of the duties of the office, must be an excuse for any evidences of haste which this may exhibit.

Some tabular statements have been prepared, which will accompany this.

All of which is respectfully submitted.

MARSHAL J. BACON,

*The Bank Commissioner of the State of Michigan.*

*Thursday, January 5, 1837.*

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(No. 7.)

*Report of the Superintendent of Public Instruction of the State of Michigan.*

OFFICE OF SUP'T OF PUBLIC INSTRUCTION, }  
*Marshall, December 29, 1836.* }

*To the Legislature to be convened at Detroit, on the first Monday of January, 1837:*

The Superintendent of Public Instruction, in pursuance of the requirements of the act, approved July 26, 1836, has the honor to submit the following

REPORT.

Article tenth of the state constitution has the following provisions in regard to education :

Sec. 1. Authorizes the Governor to appoint, by and with the advice and consent of the legislature, a Superintendent of Public Instruction.

Sec. 2. Authorizes the legislature to encourage the promotion of learning, and apply the interest of the proceeds of all lands granted to the state for primary instruction, inviolably to that object.

Sec. 3. Makes it the duty of the legislature to provide a system for the organization of common schools ; and allows the withholding from any district that does not keep up a school at

least three months in each year, its equal proportion of the interest of the public funds.

Sec. 4. Enjoins it upon the legislature to provide for the establishment of libraries, one at least in each township, and appropriates the proceeds of all fines for any breach of the penal laws, and all moneys paid for exemption from military duty, to the support of said libraries, whenever established.

Sec. 5. Requires the legislature to make some disposition of the lands granted to the state for the support of a university, and invest the proceeds in a permanent fund; the interest to be applied to the support of said university, with such branches as the public convenience may demand.

The only law passed under this article of the constitution, is the act to define the duties of the Superintendent of Public Instruction, approved July 26, 1836, which provides as follows:

Sec. 1. Requires of the Superintendent an inventory of all the lands and property reserved to the state for the purposes of education.

Sec. 2. Requires his views to be given in writing, relative to the further disposition of said property.

Sec. 3. Makes it his duty to prepare a system for common schools, and a plan for a university and its branches.

Sec. 4. Makes it his duty to require of all officers who have charge of school lands a statement of their condition, location and value.

Sec. 5. Makes it his duty to require of school directors reports of the state of their respective districts.

Sec. 6. Makes it his duty to embody said reports, and transmit the same to the legislature.

Sec. 7. Authorizes the Superintendent to hold correspondence with members of literary institutions.

Sec. 8. Authorizes the Superintendent to take charge of those lands reserved for education, where no officers have been appointed for the purpose, and preserve them from waste.

Sec. 9. Authorizes the Superintendent to receive the proceeds of certain fines in the several counties, and retain them, subject to the direction of the legislature.

Sec. 10. Requires him to give bonds to pay over, on demand, all moneys received by virtue of his office.

Sec. 11. Fixes the amount of his salary and terms of payment.

Sec. 12. Forbids his holding any other office, or attending to the business of any other profession.

The provisions of the fundamental and statute law, on the subject of education, have been recited, that what has thus far been accomplished by the state might be exhibited in one connect-



ed view, and also for the purpose of presenting the basis on which this report is founded.

To enter upon a high career of improvement as a state, is undoubtedly an object of paramount importance. It is so because it involves the reputation of the state, and also the highest good of present and coming generations. If we would preserve inviolate the sacred principles of liberty—of liberty, civil and religious—if we would perpetuate free institutions; if we would hand down to those who are to come after us a constitution, government and laws, based upon the essential and imperishable rights of man; if we would rear a superstructure of elements more durable than crowns or pyramids, we must dig deep and lay broad and permanent the foundations of knowledge and virtue. In an educated and virtuous community there is safety; the rights of individuals are guarded, and property is respected and secure. Every man sits quietly and peaceably under his own vine and fig tree, regaling himself with the fruits of his own industry and labor. Justice, truth and equity, are the glory of a nation, but these attributes of virtue are not to be found among an ignorant and vicious people. Generally speaking, the child uneducated in knowledge and virtue, is thoroughly educated in the school of depravity. And what is true of the individual, is true of communities. It may safely be assumed as a fundamental principle in our form of government, that knowledge is an element so essential to its existence and vigorous action, that we can have no rational hope of its perpetuation unless it is generally diffused. Unless, indeed, the corner stone of the social edifice is laid upon the intelligence and virtue of the people, it cannot stand. Without education, no people can secure themselves against the encroachments of power. Superstition and ignorance furnish the raw material of despotism; for there is nothing to prevent the tyranny of the sword, where the mind is degraded and the many unacquainted with their rights and powers.

In the attainment of an object of such magnitude, so grand and comprehensive as a nation's welfare, prosperity and happiness, universities may be highly important and academies of great utility, but primary schools are the main dependance. Nothing else can secure the great mass of the people against legalized oppression; nothing else can retain them in the full possession and enjoyment of all their rights, privileges and immunities, as men—as rational beings, endowed by their common Creator with the high attributes of moral agency and freedom of choice, and the essential prerogative of self-government. How valuable soever high seminaries of learning may be, we cannot rely upon them for instructing the great body of the people, because they are to be found only in the primary schools. And hence these demand the first attention. They ought to be the foundation of our whole

system of public instruction, as they are indeed the chief support of all our free institutions. On no pretence whatever must this basis be suffered to decay and crumble. Should it ever be allowed to moulder into dust, the political superstructure raised by the wisdom and treasure, and consecrated by the blood of honored sires, will totter to its fall when it is too late to apply a prop; disorder and confusion and impending ruin will be at the door, and upon us, when it shall be too late either to take alarm or to escape with life. It is therefore of the first importance that this foundation be laid deep and firm, not only in the constitution and laws of the country, but also in the warmest affections of our people. We have undertaken, before the face of the world and in the light of heaven, to govern ourselves; and to do it without the intervention of lords or kings. We have chosen that the sovereign power shall be retained in hands of the great majority of the people, because, whenever it has been lodged with the few, it has uniformly been converted into an engine of tyranny. With us, the will of the many is the supreme law of the land, and it is generally obeyed.

To protect us in our rights and dearest interests, we trust to public sentiment, and we are perfectly confident that an enlightened public opinion is all-sufficient to cure evils and avert dangers. In this position we are sustained by the history of the past. Nearly all the important and salutary reforms ever effected in governments, have originated with the great multitude of the people, and have been accomplished by them in spite of the opposition of the privileged few, the lords spiritual and temporal, who have generally exerted all their energies to perpetuate existing abuses. Among other nations, especially where ignorance prevails in the body politic, violent commotion, anarchy and bloodshed have often followed in the wake of a mere change in the administration of government, whilst we procure reforms and effect quiet revolutions at many of our important elections. Reposing under the standard of civil and religious liberty, we offer to the oppressed of every clime a safe retreat. The approach of no one to our shores is forbidden. We share the rich inheritance of our fathers, and the wide domain of our country, with people of every other land. This is the boldest experiment upon the stability of a government ever made in the annals of time. And after having been in "the full tide of successful experiment" for more than half a century, we hesitate not to believe that our own system is feasible and safe. However unpretending and simple in form, our government is nevertheless effective and perfect. It proceeds from the people—is supported by the people—and depends upon the people—and at the same time restrains and controls the people more effectually than the most rigid system of des-

potism. But how is this political fabric to be preserved? Only by the general diffusion of knowledge. Children of every name and age must be taught the qualifications and duties of American citizens, and learn in early life the art of self-control—they must be educated. And to accomplish this object, our chief dependence must necessarily be the free school system. “No lover of our republican institutions, no friend to the best interests of man, can regard it with indifference. The cause of national liberty and sound morals, and the cause of education, have one common bond of union. They must stand or fall together. It is only by promoting the latter, that we can lay the foundations of our happy institutions, broad and deep, and erect a superstructure of enduring strength.\*”

It has been said, and rightly too, that common schools are truly republican. The great object is to furnish good instruction in all the elementary and common branches of knowledge for all classes of the community; as good indeed for the poorest boy of the state, as the rich man can furnish for his children with all his wealth. The object is universal education—the education of every individual of all classes—“the only solid basis of true equality.” The great thing which has rendered the Prussian system so popular and efficient, which has so strongly attached it to the hearts of the people and made it an essential element of the social state, is its truly democratic character. The system itself originated with the people, and was supported by the people in various parts of the country long before it was sanctioned by the government. Almost every feature and every material principle had been tested by large portions of the people, before the present law was promulgated. All that the government did, was to arrange the materials already existing into one harmonious whole, and extend the benefits of the system to all parts of the kingdom. For this the government is worthy of praise; yet even here there is an abatement in the more than probable fact, that the force of public sentiment compelled the government to adopt the system. But how many have sounded the praises of the “military and despotic government of Prussia,” for originating a system of school instruction, which commenced and grew up with the people! which is still sustained and carried forward by the people. Even now, the committees of all the primary schools, who are entrusted with their sole management and care, “are chosen by the inhabitants of the communes.” In this case, as in some others, the late politic King of Prussia made the will of his people the rule of his government and the law of the land; and this is the secret of its successful operation. It is this democratic feature of free schools, which has matured and preserved pure republicanism in our own

\*Dr. Reynolds, American Institute of Instruction, Lect. 1833

land. In the public schools all classes are blended together ; the rich mingle with the poor, and are educated in company. And in their sportive gambols a common sympathy is awakened, all the kinder sensibilities of the heart are excited, and mutual attachments are formed, which cannot fail to exert a soothing and happy influence through life. In these schools the poor are as likely to excel as the rich, for there is no monopoly of talent, of industry and acquirements. It was the ceaseless application and untiring perseverance of Franklin, and not his wealth, which raised him to the highest eminence in fame's proud temple. It is this system, indeed, which brings forward and elevates to places of distinction a due proportion of that class of citizens, which the Romans called new men—men who owe nothing either to birth or fortune, but all to the free schools and their own exertions. It is this principle of universal education, adopted by the pilgrims, and cherished by their descendants through succeeding generations, which has given them and their sons pre-eminence in all things—in arts and in arms—in wealth and power. Nothing can be imagined more admirably adapted, in all its bearings, to prostrate all distinctions arising from the mere circumstances of birth and fortune. By means of the public schools, the poor boy of to-day, without the protection of father or mother, may be the man of learning and influence of to-morrow ; and he may accumulate and die the possessor of tens of thousands ; he may even reach the highest station in the republic, and the treasures of his mind may be the richest legacy of the present to coming generations. Whilst the reverse of all this may be true of the young scion of wealth and power, proud and accomplished as he may be in person, and gifted also by nature with the highest order of intellect, and blessed with the fairest prospects of usefulness, the long cherished hopes of doting parents, and the brightest youthful visions of rising greatness may all be disappointed in some thoughtless moment of ungoverned passion, and his sun go down in the gloom of midnight darkness. Let free schools be established and maintained in perpetuity, and there can be no such thing as a permanent aristocracy in our land ; for the monopoly of wealth is powerless, when mind is allowed freely to come in contact with mind. It is only by erecting a barrier between the rich and the poor, which can be done only by allowing the rich a monopoly of learning as well as of wealth, that such an aristocracy can be established. But the operation of the free school system has a powerful tendency to prevent the erection of this barrier.

In confirmation of what has been said in regard to the Prussian system, and as a further illustration of the nature and tendency of schools, the following quotation from the report of M. Cousin, is presented. After having gone over the entire organization of

primary instruction in Prussia, he says: "It is impossible not to be struck with its profound wisdom. No inappropriate general principles, no spirit of system, no partial or exclusive views govern the legislator. It is a king, and an absolute king, who issued this law; it is an irresponsible minister who advised or who digested it; and yet we find no injudicious spirit of centralization or official despotism; almost every thing is left to the parochial department, or provincial authorities; little more than the general supervision and direction are reserved to the minister. All persons or classes, who have an interest in the subject, find their appropriate place in this organization, and concur, each in his own manner and degree, to the common end, which is the civilization of the people. On these grounds the Prussian law of 1819, appears to me excellent; nor is it to be imagined that such a law could be conceived and matured by the wisdom of an individual. Indeed, we may almost say, that it already existed in a vast number of partial and detached ordinances, and *in the manners and customs of the country*. There is, perhaps, not a single article of this long law to which numerous anterior regulations did not serve as a groundwork. I find rules as old as the year 1728 and 1736, which comprise a number of the provisions of the law of 1819. The powerful and active superintendence exercised by the church over the education of the people, dates from the origin of the reformation. The authors of a revolution effected in the name of liberty of conscience, must necessarily labor at the emancipation of the popular mind and the diffusion of knowledge. If the course of instruction seems somewhat too full for some places, it must be remembered that it was already surpassed in many others. In short, this law does little more than methodize what already existed, not only in Prussia, but throughout Germany. It is founded on reality and experience, and has for that reason been carried into execution, and produced the happiest results with extraordinary rapidity; in almost every part of the kingdom the reality goes beyond the law."

From the nature of our institutions, almost every man in the community is liable to be called to the discharge of some public trust. Scarcely an individual is released from the obligation of devoting his talents and a portion of his time to the service of the state. And a faithful and honorable discharge of these duties requires a well informed mature judgment; and other qualifications of a high character, which can be obtained only by a good education. Our citizens are all electors—a high and responsible franchise—nearly all of them are liable to serve as jurors; many are necessary incumbents of the various offices of the township, county and state, and of the United States. While simplicity is the highest perfection of our system of government, its security results from the complex distribution of its manifold powers. Its numerous checks and balances secure the citizen in possession of

all his rights, preserve the constitution from encroachment, and the government in the vigorous exercise of all its delegated and rightful authority. And though it has oft. been decried as a many-headed monster, yet time and experience have shown that the greatest political monster is a government with but a single head, and that head perchance a knave, or a fool, or a madman. Since, then, by the wise provisions of our system, political power is distributed to such an extent that nearly every citizen may be called to share in its exercise, while he submits to its just authority; how essential that all should acquire that knowledge, and those qualifications, which are requisite to the right performance of civil, judicial and military duties. Not mere intelligence, but actual knowledge, which education alone can furnish, is required in every department of the government, in legislation, in jurisprudence, and in the daily execution of the laws. It is required in all the business transactions of the day; in manufactories, in commerce and agriculture; in the making of roads and canals; in planning, carrying forward and perfecting other great works of internal improvement. It is also required in architecture and gardening; in the management of prisons and financial operations. It is moreover required in a special manner in the learned professions; without knowledge, what would be the profession of law? of medicine? of theology and teaching? While the ardor of patriotism glows in every bosom in this infant and rising state, let those to whom its destiny is committed be induced by all that is sacred in human rights, in life, liberty and happiness, to emulate the noble example of those time-honored sires, who laid the foundation of all our greatness as a people, in schools and other seminaries of learning. And then in the march of time, looking back through the long vista of by-gone years at some centennial celebration, like the one lately witnessed in the land of the pilgrims, will the names of those be held in grateful remembrance, and their works admired and praised, who have borne the burden and heat of the day in providing good institutions, and preserving unimpaired and handing over to posterity the rich inheritance derived to us from the pilgrim fathers. We need wisdom, and prudence, and foresight in our councils; fixedness of purpose, integrity and uprightness of heart in our rulers; unwavering attachment to the rights of man among all our people; but these high attributes of a noble patriotism, these essential elements of civilization and improvement, will disappear when schools shall cease to exert an all-pervading influence through the length and breadth of our land.

If we admit that those now upon the full tide of life have sufficient knowledge and integrity to guide safely the ship of state, yet a few short years must pass it to the guidance and direction of other councils, of other heads and hands. And whether they shall be duly qualified, and possess sufficient skill to keep it in trim



and good repair, and pass it successfully on with its precious deposit of free institutions and equal laws to a still rising race, depends in a great measure, under the direction of a kind Providence, on the course of those who are now intrusted with its care. Our children will soon stand up in our stead ; they will soon enter into full possession of our inheritance ; they must take what we have to leave, free institutions, equal laws, personal, civil and religious liberty, and the choicest form of government on earth ; improve and perpetuate the same, or pervert and destroy them ; and thereby attach to our names honor or disgrace. It is conceded, as well by the friends as the enemies of our constitution, that it cannot exist and be maintained in its purity, simplicity and power, in the midst of a people generally unenlightened and vicious. The history of the last half century strikingly illustrates the truth of this position. The Spanish provinces of our own continent could break in pieces the iron chains with which they were bound ; the people of France could once and again overturn existing despotisms ; and Greece could liberate herself from the yoke of Turkish bondage. But they were found to be essentially wanting in that knowledge and virtue which are necessary to establish and maintain free institutions. Hence, notwithstanding all their exertions and sacrifices of blood and treasure, despotism is again triumphant. It is true, they may have bettered their condition, but they are not free. The only question, therefore, to be solved, is : Can any plan be devised by which the principles of virtue and knowledge may be so diffused among the great body of the people, as the existence and perpetuity of our institutions seem to require ? The general impression is that it may be done effectually by a well digested system of free schools. There is no alternative, this being the only process by which the whole population can be made acquainted with their rights and duties as citizens of one commonwealth. Schools, therefore, as the only efficient means of accomplishing such an object, ought emphatically to be the property and care of the state. To neglect them, would be to neglect the vital energies of the body politic. Hence the government ought so far to assume the direction, as to see to it that the benefit of the school system is extended to all parts of the community. And especially are they bound to see to it, that popular ignorance does not encroach upon the territories of the republic, and cast abroad over its fairest portions and dearest interests a blighting shade. For it is demonstrably certain, that all that is valuable in time, in good government, in a well balanced constitution, in equal and just laws, in civil rights, in liberty of conscience and free institutions, is suspended upon the general diffusion of knowledge. Without education, the fairest fabric ever reared in the long march of time must tumble into ruin ; and its name and memorial become and remain a by-word, a hissing and an aston-

ishment to the nations of the earth. Let ignorance prevail, and superstition and bigotry will soon become lords of the ascendant, and crimes of every species and of the darkest shades will increase and multiply ; and security of property, of liberty and life, is at an end ; and intemperance, injustice and oppression, unterrified and unrestrained, will revel and triumph at noon-day. Consequently, education is just as important and just as valuable as is the prosperity, freedom and happiness, of a great and growing people.

Education is indeed a subject of immense magnitude. It is not merely as the little hill that can be fully scanned from two or three positions ; but like some vast range of mountains, stretching through the length and breadth of some mighty continent ; an accurate survey of which can be obtained only by long continued observation and toilsome journeyings. It comprises vastly more than is generally supposed ; all indeed of the physical, intellectual and moral culture of man, from the first dawnings of his existence to the termination of his earthly career. When the child first begins to lisp his native tongue, his education, has commenced, and it is not complete till there is nothing more for him to learn. All that a civilized man is when grown to maturity, more than he is at birth, is the result of education, in the widest sense of the term. And he is the best educated man, who has acquired a knowledge of the existence of things, and become acquainted with their most intimate and important relations ; and whose faculties, physical, intellectual and moral, are fully developed in just and equal proportions. The great object gained in all such cases is a well-balanced mind, with an extensive knowledge of men and things. Dugald Stuart does not say enough, when he affirms it to be " the great business of education to cultivate the original faculties." This is certainly important ; but it is equally so, to be made acquainted with facts, with the existence of things, their relations and dependencies. The first man, as is generally supposed, came into being in full maturity. But what is man, with all his powers in full strength and vigor, without knowledge ? Hence the acquisition of knowledge is highly important, and so also is the cultivation of the original powers of the human mind. And these two ends may easily be made subservient to each other. The great object in teaching should be, to impart in a given period the greatest amount of knowledge, and the greatest degree of strength to each one of the original faculties.

If the child is properly instructed, he will be taught thoroughly ; and then the knowledge which he acquires will be permanent, and it will be communicated in the shortest time, which is an object of great moment. It is to be recollected in this connection, that the faculties of our constitution are all invigorated



by that exercise which is required in the acquisition of knowledge. But it is equally true that each one must be duly exercised. The improvement of the memory does not necessarily strengthen the power of discrimination, nor does the cultivation of the fancy increase the vigor of the perceptive faculties, nor does logical acuteness add sensibility to the taste. Hence it is the object of the science of education, while it communicates in a given time the greatest amount of knowledge, to render the mind the fittest instrument for discovering, applying and obeying the laws of the universe in which man is placed. The high purposes of education are thus beautifully expressed by an ancient poet—"That our sons may be as plants grown up in their youth; and our daughters as corner stones polished after the similitude of a palace." In the language of the great moralist of antiquity—"It is that which forms and fashions the soul, which gives to life its disposition and order, which points out what it is our duty to do, what it is our duty to omit. It sits at the helm, and in a sea of peril directs the course of those who are wandering through the waves.\*" It is therefore to be viewed as a general instrument of good, an instrument by which man may have the dignity of co-operating with the all-wise, all-perfect and benevolent Creator, in extending to others the knowledge, virtue and happiness which he is qualified both to enjoy and to diffuse. It is hence worthy the highest consideration; and may justly claim the attention of the most gifted minds, and ought to engage the time and talent of the first order of intellect; for it relates to the duties, the hopes and the great destiny of man. It is the noble design of education to invigorate and polish the outward man, to refine the taste, improve the heart, enlarge the understanding—to fit human beings to move in all the varied circumstances of life, with honor to themselves and to be a blessing and not a curse to their fellow men.

It is proposed as a subject worthy the gravest consideration, whether the state can fulfil its high obligation to itself and suffer any to grow up in ignorance. It is apprehended to be the duty of the government to require of all persons, having the care of children, their education. And effectually to secure the accomplishment of this object, they should be required to send them to school the constitutional proportion of each year, between the ages of five and seventeen. It is presumed no shorter period can be asked, as this would be barely sufficient to teach the first rudiments of learning. Every community has a right to protect itself, prevent as well as remove nuisances, provide for its welfare and preserve a healthful and vigorous existence. But these objects cannot be accomplished where families are allowed to grow up in ignorance of their rights and duties as citizens. Be-

\* Seneca.

ing uneducated, they can add nothing to the moral and intellectual power of the state. They will not unfrequently fall a prey to the more knowing of their neighbors ; and then abandon themselves to crime. This is undoubtedly the reason why so large a proportion of the inmates of state prisons are found to be without education. If knowledge is power, the want of it is weakness. And it ought to be borne in mind, that the education of the infant mind is far less expensive than the support of the aged criminal. In the Prussian system, parents are required to send their children to the primary schools ; and it is made the duty of each district to maintain a primary school at its own expense. Says M. Cousin, " This duty is so national, so rooted in all the legal and moral habits of the country, that it is expressed by a single word, school-obligation. It corresponds to another word, similarly formed and sanctioned by public opinion, military-service-obligation. These two words are completely characteristic of Prussia ; they contain the secret of its originality as a nation, of its power as a state, and the germ of its future condition. They express, in my opinion, the two bases of true civilization—knowledge and strength. The state has long imposed on all parents the strict obligation of sending their children to school, unless they are able to prove that they are giving them a competent education at home.\*"

And in all this there is nothing inconsistent with the principles of rational liberty. It is merely providing for the safety of the state, for its health, happiness and vigorous growth. This duty stands on precisely the same ground as the law, which obliges all the citizens between certain ages to be enrolled and occasionally do military duty. It is a wise precautionary measure for the public security. And in the language of M. Cousin, it is to be hoped, " the time will come when popular instruction will be equally recognized as a social duty, imperative on all, for the sake of all." Most certainly nothing can be more desirable, and nothing more reasonable. The object to be attained is the welfare of the individual instructed and the security of the state. To secure this object, the instruction must be given ; and hence the state has the right to require the education of all children and youth, and to impose upon all to whom their management and care is committed, the duty of educating them ; and if they cannot do it themselves, to send them to the public schools. This is the very spirit and letter of the Prussian law. It allows parents to educate their children themselves, or, if they choose, to send them to a private school. But if they cannot educate them themselves, and do not choose to send them to a private institution, then it requires them to send their children a certain period of their younger years to the public primary schools. And so po-

\* M. Cousin's report on Public Instruction in Prussia.

pular is the school system throughout the entire kingdom, that parents usually anticipate the legal age of sending to school, and generally prolong the time beyond what the law requires. The same system and spirit prevail in some parts of our own country. The system originated in a love of liberty, and in the purest philanthropy; and not in a mere thirst for the exercise of arbitrary power; it is indeed at war with the very spirit of despotism, for it seeks the elevation of every individual of all classes, whereas despotism aims to exalt the few at the expense of the many.

In this view of the subject, it would seem to be immensely important that the public schools be amply sufficient to answer the just expectations of humanity and the demands of the state. Unless these schools are adequate to meet the wants of the whole community, private seminaries will be established by the rich, at which only their children can be educated. Let the expense be what it may, the higher classes will provide themselves with schools for their own families; and the effect of this will be, to widen the distinction between them and the poor, and create an aristocracy of learning as well as of wealth. Such a state of things would give an impetus and an energy to the already commanding influence of the rich, which the poorer classes would be wholly unable to withstand. This overshadowing power in them would soon subject all the other classes of the state to their dominion and control. It is to be remembered also, that if private establishments are better endowed, they will be likely to be more ably conducted; and if so, they will necessarily lead to a depreciation in the character of the free schools, and ultimately to their abandonment. The experience of the older states abundantly confirms this representation. Wherever the liberality and enterprise of individuals have established flourishing private institutions, they have uniformly had a pernicious influence upon the common schools. Instead of being improved and elevated by their proximity to such institutions, they have lost their character and usefulness. In those towns where private seminaries have been located and well sustained, the free schools will be found, without exception, to be in a miserable condition. Where such institutions exist, all whose means will allow them to do it, patronize them by sending their children. This necessarily impairs the confidence of the public in the common schools, and must finally destroy them. The truth is, the system of public schools is the vital principle in the social state, as constituted by us, and must be preserved. But how can it be preserved, when leading portions of the community, with men of influence at their head, abandon it and attach themselves to other institutions? The result is, that all who do this necessarily become indifferent towards the public schools, and lose all interest in their existence and wel-

fare. Could they be retained, they might do much towards putting the free schools in the best possible condition. Their intelligence, influence and example, and indeed all their powers would be assiduously employed in promoting the common cause. It may not be consistent with the principles of our constitution to prohibit private seminaries; but it is consistent with both the spirit and letter of our institutions to place the public schools upon high and elevated ground, to make them adequate to the wants of the whole community; to place them on such a footing as to furnish the best instruction, not only in the more common, but in all the higher branches of elementary knowledge; so that those who send to them may have the satisfaction of knowing that their children are receiving as good instruction, as the wealth of the Indies can purchase. All classes would then find it to be for their interest to give them countenance and support. And it must be confessed to be an object of paramount importance to interest the greatest possible numbers in the public schools. Let the state institutions, in all the varied departments of education, be what they may and ought to be, and it will remove the main cause, which has operated to give existence to private establishments. The primary schools should be of the first order, the academies of the highest grade, and the university assume and maintain a commanding position; and each and all of them be so ably conducted as to give entire satisfaction to all reasonable, unprejudiced minds. With such schools the rising generation would be thoroughly taught, and the wants of the state adequately supplied. The able superintendent of the New York schools, in his report for the year 1827, speaking of the importance of having schools of an elevated character, says, "The course of instruction in the common schools ought to be adapted to the business of life, and to the actual duties which may devolve upon the person instructed. In a government where every citizen has a voice in deciding the most important questions, it is not only necessary that every person should be able to read and write, but that he should be well instructed in the rights, privileges and duties of a citizen. Instruction should be co-extensive with universal suffrage. An unenlightened mind is not recognized by the genius of a republican government. The constitution of Peru provides, that after the year 1840, no one shall enjoy the privilege of citizenship who is not able to read and write. This is a much more rational qualification for voting than the freehold test which has recently been abolished in this state. In addition to becoming acquainted with the history of his own town, county, state and nation, the scholar should be made acquainted with the laws relating to the "duties and privileges of towns," the manner in which the business of the county is transacted, and the organization and powers of the government. As soon as a young man enters upon active

life, he is called upon to discharge the various duties of a citizen, and the necessary instruction to qualify him for an intelligent discharge of duties, so important to himself and his country, should form a part of his education. It is important that the rising generation should be well instructed in the history of their own country; those who are to be the future guardians of our free government should be made acquainted with the toil and suffering which it cost to establish the liberties which they enjoy. In perpetuating the example which our country offers to the world, that man is capable of self-government, it is vitally important that the means should be afforded in the common schools, of acquiring a sound knowledge of the principles and acts of the revolution, of the cause and consequence of independence. A history, every incident of which has a tendency to inspire a reverence for the institutions of our country, ought to be "familiar as household words" to those on whose intelligence and patriotism the future hopes of the republic are based.\* But how are these high objects of education to be attained, unless the public schools are adequate to furnish the instruction required? Individuals may educate their own families, but they cannot educate the great public. To do this effectually, will require the concentrated wisdom and energy of the whole state.

But the most perfect organization of the entire system of schools, in all the varied departments of instruction, must fail of securing the desired results without a sufficient number of competent teachers. In a memorial of the American Institute of Instruction to the Massachusetts legislature, it is affirmed to be "an evident and important truth, that no school can be essentially improved but by the improvement of the teacher. All other things are, in comparison, of little consequence. Children of the best parents, in the best constructed school-house, under the most favorable circumstances, will lose and more than lose their time if given over to the management of an incompetent teacher. This improvement is therefore at the bottom of every other." The committee of the House on education thus respond to this sentiment: "It is believed by the committee that an appropriation of a portion of the income of the fund to the education of teachers upon some well devised plan, would do more for the cause of public instruction than almost any innovation on the existing institutions that could well be imagined." And again—"Your committee believe they do but respond to the nearly unanimous opinion of this House, as well as of the people whom they represent, when they express their own conviction, that there is no class of the community upon whom its highest interests more essentially depend, than upon teachers of schools. They hold in their hands the hopes of

\*Hon. A. C. Flagg.

the present and the strength of the coming generation. They stand at the very springs and fountains of civil liberty, to poison or purify its waters." The present distinguished superintendent of the New York schools, says—"Our common school system has been but a few years in operation, and it is only recently that it can be considered as having gained a solid foundation. In building up and bringing to perfection its external organization, the internal condition of the schools, has in some degree been neglected. The only material defect of the system is the want of competent teachers. There is danger that they will never answer the ends of their institution, if the teachers, the body of men who are relied on to infuse into them the moral and intellectual improvement which constitutes the vital principle of the system—are not fully adequate to the task."\* Without competent teachers, the most perfect system of external organization must be powerless—must certainly fail of accomplishing its object. The truth is, education is to be regarded as a science and an art; it is a science, for it has its distinct subject, its distinct object, and is governed by its own peculiar laws; and has, like the other sciences, its corresponding art—the art of teaching. Hence results the profession of teacher; the most onerous of any in the country. But how little understood is either the science or the art? and how little esteemed is the profession of teacher? And how can it be otherwise? If education is a science, how is it to be understood without study? and if teaching is an art, how can it be successfully practised without suitable preparation? How then can the profession of teacher be esteemed, if men generally enter it who know little or nothing of either? No man is supposed to be acquainted with any one of the other sciences, who has not thoroughly investigated it; nor is any one thought to be qualified to enter the profession with which that science is connected, and practice its corresponding art, who has not become intimately acquainted with its duties. Men are not often thought to be fit to enter the learned professions, who have not thoroughly studied the sciences on which those professions are based. It may hence be pertinently asked "on what principle of common sense is it that a man is considered good enough for a teacher, because he has satisfactorily proved himself good for no one thing else? Why is it, that the utter want of health to exercise any other profession, is frequently the only reason why a man should be thrust into this, which requires more active mental labor in the discharge of its duties than any other profession whatsoever? Alas! it is not by teachers such as these that the intellectual power of a people is to be created. To hear a scholar say a lesson, is not to educate him."† Why is it that, in the lapse of

\* Report of 1836.

† Pres. Wayland's Dis. before A. I. I., 1830.



ages, the very name of Greece is still surrounded with undiminished effulgence? It is not because of the prowess and fame of her commanders and chieftains—of her Miltiades, Leonidas and Cimon; it is not because of the unequalled splendor and comet-like glare of her military achievements and conquests: but it is because that in the days of her intellectual glory and greatness, Socrates and Plato, Aristotle and Zeno, were teachers of her youth. They were stars of the first magnitude in that peerless constellation of genius, which still shines thus resplendently upon the land which gave them birth; and the light of which has, through all succeeding ages, been reflected upon every clime where civilized man has found a home. What a contrast when presented in connection with many of the teachers of our day! Instead of being all light, as they should be, and capable of emitting it; from their extreme opakeness, they scarcely shine with even a borrowed lustre. It is utterly impossible to elevate the schools, and make them what they ought to be and must be, to meet the just demands of all classes of community, without elevating the character and rank of teachers. And to do this effectually, they must be thoroughly educated and bred to the profession. In the Prussian system, the greatest attention is paid to this subject, it being justly considered that nothing to the purpose can be done without competent teachers; and consequently no person is allowed to enter the profession, who cannot prove himself to be thoroughly qualified to discharge its duties. It appears from the report of M. Cousin to the French minister of public instruction, and also from the answers of Dr. Julius, commissioner from the King of Prussia, who lately passed through our country, to questions proposed to him by the superintendent of the New York schools, that there is scarcely an individual of the thirty thousand teachers employed within the limits of the kingdom, who has not spent, after passing through the common elementary branches as taught at the primary schools, three years at some one of the teachers' seminaries, to qualify himself to discharge the duties of the profession. With such a body of teachers the schools must flourish; nothing can prevent their successful operation. Such teachers we need and such teachers we must have in our schools, or they will never answer the end of their institution. "There can be no doubt that the superiority of the celebrated Prussian system results from the care bestowed upon the department of teachers. In that kingdom, as before suggested, a distinct class of schools is appropriated especially to the education of teachers; and the masters of the common schools are all taken from among the persons educated in these seminaries. In the state of New York, the same system has been recently adopted in a somewhat different form."\* On the recommenda-

\* Report of the Com. on Ed. to Mass. H. R., 1835.

tion of a committee of their own board, the regents of the university have, within the two past years, appended to eight existing academic institutions, a department expressly for the education of teachers. And the subject is urged upon the attention of the public by the Hon. John A. Dix, present superintendent of common schools, with distinguished ability and zeal. In the system which we, as a state, may adopt, it will be highly important to make such provisions as will infallibly secure a sufficient number of competent teachers. It will be essential to make teaching the business of men, and then men will be found to do the business of teaching. No doubt, as things now are, it will be thought to be difficult, if not impossible, to find a sufficient number of persons qualified for the employment, or who will venture to engage in preparing themselves for it. But why should it be so? teaching is a noble employment; why then such a deficiency of good teachers? Says the Hon. A. C. Flagg, former superintendent of the New York schools, "The principal reason is to be found in the unwillingness on the part of school districts, to make adequate compensation to teachers of approved talents and qualifications. How else does it happen that at a time when the merchant is overstocked with clerks, and the professions of law and medicine are thronged with students, there is such a lamentable deficiency in the number of those who have the inclination and the ability to engage in the business of instruction? Is it not to be ascribed to the more liberal encouragement offered by other employments, compared with the compensation of school teachers? Institutions for the formation of instructors are desirable; but the education of teachers would be unavailing, unless the districts could appreciate the importance of affording such compensation as would command their services. Other causes may have their influence, but the seat of the difficulty may be traced to the disinclination in the districts to make adequate compensation for the required talents. This is demonstrated by the fact, that those districts which adopt a liberal course, have able teachers and good schools. The business of education should be committed to the best talents in the country; and it is in vain to think of procuring the choicest fruits, without paying the market price."\* Mr. Dix, the present superintendent, uses similar language. He says, "So long as the wages of teachers were extremely low, men of talents would not devote themselves to the business of teaching, nor could they afford to fit themselves for it by a regular course of preparation. The rate of compensation for teachers is gradually advancing; in some parts of the state, good wages are paid, and many individuals are preparing themselves for teaching as a permanent vocation. As they find employment, the demand for them will increase; for as the benefits of instruc-

\* Report of 1827.



tion by a well trained teacher become apparent, the influence of the example will extend to neighboring districts : and these causes acting reciprocally upon each other, cannot fail to produce important effects."\* It is hence obvious that the great reason why there has been such a deficiency in the number of qualified teachers is to be found in an unwillingness on the part of the inhabitants to pay such wages as to secure the services of individuals of the required talents and qualifications. If so, it is confidently believed to be within the power of the state to obviate the difficulty. Let teachers be paid as they ought to be ; let them receive such compensation as will remunerate them for their services, and sufficient numbers will be found to fit themselves for the business of teaching. And to secure their employment when fitted to teach, let the provisions of the law be such, that no township shall be entitled to any portion of the income of the public fund, which does not employ thoroughly educated teachers. It has been suggested, that no man ought ever to be considered as qualified to teach school whose time is not worth at least thirty dollars per month ; and that no female ought to be engaged in this work, whose services are not worth fifteen dollars per month. This suggestion is certainly worthy of consideration ; and it is also worthy of consideration, whether it will not be expedient to fix on a minimum price, below which no teacher shall be entitled to receive aid from the avails of the public fund ; and to provide prospectively that every teacher of the public schools shall have been through a regular course of training, and received from the academic board a diploma, setting forth his qualifications as a teacher. Could the people be aroused, and public sentiment set right on this subject, it is presumed no township would purchase the cheap commodity, which is generally worse than nothing, when that which is valuable is to be had. By adopting and pursuing new methods of instruction, methods obviously based upon the first and simplest principles of human nature, a child may acquire as much knowledge and strength of mind at the age of thirteen years, as is now ordinarily gained at twenty. Here, then, would be a clear gain of seven years in the most active and interesting period of human life, to be devoted either to the service of the parent, or to further improvement and culture. But an object so desirable and important is not to be attained by the course which is now generally pursued ; for the plan is bad, and the execution worse. Nor can it be amended, until education, which is the training of the entire person, the exciting, developing and strengthening, by suitable exercise, every faculty and organ of the system, is placed under the direction of those who have a competent knowledge of human nature. " Place the business of education where it ought to be, among the most honorable and

\* Report of 1836.

profitable employments, and the work will be done. Talents of the highest order, united to the requisite knowledge, and all other suitable qualifications, will then be engaged in it, and the issue will soon appear in a striking improvement of the educated portion of the human race."\* The almost universal employment of incompetent teachers is a waste of money, a waste of time, and a waste of intellect; the greatest conceivable outrage under the name of benevolence and duty, that can be perpetrated upon the rights and dearest interests of the rising generation, tending directly to moral as well as political degradation and slavery. Whatever system may be adopted, and however perfect in form, it will prove itself essentially defective, unless it provides a sufficient number of teachers, well educated and bred to the profession, men qualified and competent, men who can elevate and leave their mark upon their pupils. And such teachers may be had. Nearly all Germany is supplied with such teachers. And efficient measures will soon furnish us with a full supply, unless indeed intellect degenerates in this western world. Such schools for the education of teachers as exist in Prussia and New York, will furnish them. After a long visit to, and examination of, the grand normal school at Potsdam, M. Cousin says, "I ought to add that all the students had a cheerful, happy air, and that their manners were very good. I quitted the establishment highly satisfied with the students, full of esteem for the director, and of respect for a country in which the education of the people has reached such a pitch of prosperity. I have designedly accumulated official papers, from the conviction that it is impossible to collect too much information on a point on which depends the whole of primary instruction. In fact, from the moment the law has compelled each *commune* to have a primary school, nothing remains but to furnish them with good masters. Now the normal schools of Prussia prove that it is possible, in a very few years, to bring these establishments to a remarkable degree of perfection. Most of them are posterior to the law of 1819, some are as late as 1825, and thus three or four years have sufficed to place them on solid foundations, and to enable them to render the most important services. To effect all this, little is wanted on the part of the minister, but a firm hand and the determination to be obeyed; success depends on a very small number of rules, inflexibly adhered to. I have already remarked, that as every *commune* must have its primary school, so every department must have its primary normal school. If the same law which shall render the former imperative on the *communes*, should render the latter equally imperative on the departments, we should have made a great advance."† Substituting district for

\* Dr. Caldwell on Temperament, of Transylvania University.

† Report on public instruction in Prussia,

commune, and county for department, with other necessary modifications, and the system here proposed to the minister, as suited to the condition of France, may be adopted by us with equal advantage.

In other respects also, there is need of improvement in the application and expenditure of money. Vast sums are yearly squandered to no purpose. If the books selected consist of extracts and compilations, wholly unsuited to the capacity of children; if the house is cold or crowded, inconvenient and uncomfortable; and especially if given over to the management of an incompetent teacher, the school becomes a scene of anarchy and confusion, and all is waste; the young mind becomes disgusted with books and schools and teachers, and hates learning for ever after. There is need also of improvement in the selection of school-house sites; it is not as many seem to imagine, a matter of indifference where the school-house is located. It ought to be the most healthy and attractive spot within the circle of the district, just regard being had to convenience. The building should be spacious and warm, and well ventilated, with a yard suitably enclosed for playful exercise. The entire premises, with all thereunto belonging, the construction of the house and its internal arrangements, should be a picture of order, of neatness and comfort; and present to the youthful mind a pleasing and lovely aspect. It should be an enchanting spot, sheltered alike from the cold blasts of winter, and the summer's scorching sun; a place of love, of kindness and good will; and not a place of whips, consternation, despotism and terror. Let all be, in and out of school, as it should be, and the young mind is led daily to contemplate the usefulness and beauty of method, which cannot fail to produce a refined taste, with habits of order. But these topics in regard to the internal condition of schools, their government and order—the branches to be taught—the books to be used—the improvements which may be introduced in the methods of teaching—what defects are to be supplied—what evils to be remedied—the comparative advantages and disadvantages of different systems, especially of the monitorial—and various other matters pertaining to schools, will naturally and necessarily come up for consideration, when some general system for their external organization shall be perfected. The foundations must be laid, and the frame work completed, before the edifice can receive its finish in the internal apartments.

In the distribution of the income arising from the school fund, it will be highly important to adopt such principles as will have a strong tendency to stimulate to exertion, and secure the co-operation of the greatest numbers in promoting the cause of education. It is confidently believed, that the distribution from year to year may be so made, as will infallibly secure the interest of the great

mass of the people in the welfare of the public schools. The reception in each of the townships yearly, of one dollar or more per scholar, cannot fail of producing important results. But as the success of the system will materially depend on an efficient organization, it is worthy to be considered whether any township ought to be entitled to its proportion of the income of the fund, which does not comply with the provisions of the law, and maintain an efficient school board. Upon the wisdom, fidelity and zeal of this board, the success of the whole system will in a great measure depend. They will be called to decide on the qualifications of teachers; and consequently to fix the standard of education in their respective townships. If this standard is low, the schools must suffer an irretrievable loss. For the maxim of the Germans is strictly true, "As is the master, so is the school." If his capacity is small, and his acquirements small, he will lull to sleep rather than wake up the energies of the youthful mind. Should he prove to be a man of passion, he will inspire fear, rather than a love of knowledge. It will therefore be within the power of the board of inspectors to aid greatly in raising the standard of education. And as this board must be supposed to represent the sentiment and feeling of the communities in which they respectively reside, it will be essentially important to impress upon the townships the necessity of maintaining an efficient board of school inspectors. Let their powers be ample, and let them be adequately sustained in the discharge of their duties, and the work will be done. And then the fruit will be, a well educated and vigorous people—a people trained in the school of knowledge and virtue—a people understanding their rights and capable of sustaining them.

Whatever form of external organization it may be thought best to adopt, it will be remembered that the system cannot be executed without agents. And as already intimated, on the number, activity, and energy of these agents, will the success of the system depend. Much must necessarily be committed to them, and left to their management and care. It is worthy of remark, that they will be intrusted with executive and not legislative powers. These agents will be trustees of the people, deputed to fulfil certain important trusts. They will not be makers, but officers of the law; it will be their duty to do its bidding. To insure success, we must have simplicity combined with activity and energy. Hence the number of the agents should be just enough to secure these desirable ends. If there are too many to do the work, it will not be done. In such a state of things, there will sometimes be neglect, and sometimes confusion, rather than decision, efficiency and action. It is therefore submitted, as worthy of deliberate consideration, whether it will not be best to reduce, from what they now are, at least one-half, the officers of the district

and township organization. Let the agents be few, let their duties be clearly defined, and let them, as in the Prussian system, be paid for their services. Whatever may be thought of the Prussian government, so strong is the sense of justice in that people, that they have no idea of taking the time and labor of individuals, and applying them to the public benefit, without compensation. And it is conceived to be equally against the spirit and letter of our constitution, to require the services of any without paying them for what they do. The time of every man is his property, and cannot either justly or constitutionally be taken and given to the public without remuneration. Hence, when the good of the public calls any of its members to the discharge of important duties, let them be paid for their labor. In this view of the subject, it will not be advisable to employ more agents in the school system than will be sufficient to insure its success. To employ more than enough, would be to impose an unnecessary burden, whether paid or unpaid. In conformity to these principles, the following plan for the organization of schools is respectfully submitted.

1. *Primary school districts—their rights, powers and duties.*

Each school district shall be endowed with the powers of a body corporate, with the right of suing and being sued. Each district shall have the power, and it shall be the duty of each, to select a site; and when necessary, to sell, and select anew; to provide materials and erect a school-house, and keep the same in repair. It shall be lawful for the inhabitants of each school district, to provide for their house the necessary appendages, such as fuel, a broom, water pail, wood shed and out-house; and to inclose with a suitable fence, the yard belonging to the school-house. And for these purposes, each district shall have the power to raise the necessary funds by levying a tax upon its inhabitants, not exceeding, at any one time, \$500. It shall be lawful also for each district to raise by tax \$10 annually, for the purpose of founding and increasing a district library; and also to levy a sufficient tax to procure a suitable library case, to designate where the library shall be kept, and by whom, and the terms on which books shall be let out and returned. Each district shall have the power, and it shall be the duty of each, to meet annually on the first Monday of October, to transact such business as shall be brought before it, and organize for the ensuing year by choosing the officers hereinafter mentioned. In case of the failure of a district to meet on that day, it shall be lawful for any three legal voters of said district to call a meeting by giving five days' previous notice. And in case of the formation of a new district, it shall be the duty of the officers by whom it was formed, to send within twenty days of the time of the formation of said dis-

trict, a written notice to a legal voter of the district, designating the boundary of the same, and the time and place of the first meeting. And it shall be the duty of the person so notified to give notice to every legal voter of the district of said meeting. Should he neglect to give the notice as required, he shall forfeit and pay to the district the sum of \$25. Whenever this shall happen, it shall be the duty of the board, forming the district, to send the like notice to another legal voter of said district, whose duty and liabilities shall be as above. All notices of district meetings, except the first, shall be posted upon the school-house door; but when any district is destitute of a house, the notice shall be posted up in the most frequented and central place. It shall be lawful for each and every district, at the annual meeting, to determine the length of time, not under three months, the school shall be kept; and how much money, in addition to its apportionment, shall be raised for the support of its school the ensuing year—the sum so voted not to exceed in any one year \$60. And it shall be lawful for the district to pay the director for his extra services.

## *2. Primary school district officers, and their duties.*

At each annual meeting of the respective districts a moderator shall be chosen, who shall hold his office during the year, or till another is chosen. It shall be his duty to preside at all meetings of the district, and call special meetings on the written request of five legal voters of said district. It shall be his duty also, to sign all warrants for the payment of moneys collected within the district, for the purposes heretofore specified, and countersign the warrants drawn by the school director upon the acting township treasurer for the moneys apportioned to the district by the township board of school inspectors.

At the annual meeting also a school director shall be chosen in each district, who shall hold his office for the same term of time as the moderator. It shall be his duty to register all the doings of the district, all its votes and resolves, to employ teachers, see them examined, and paid by drawing upon the township treasurer for the money apportioned to the district. And whenever there shall not be sufficient to pay the teacher employed, the director shall call a meeting of the district board for the purpose of levying the balance upon the taxable inhabitants of the district, not exceeding the sum voted by the district at its annual meeting. It shall be his duty to collect all moneys levied upon the inhabitants of the district, and pay them over on the warrant of the moderator. Within ten days of the time of his election, the school director shall take the census of his district, by registering the names of all belonging to it, between the age of five and seven-



teen years. A copy of this registration it shall be his duty to furnish to the teachers employed within the district, for the purpose of noting the time each one may attend; and it shall be the duty of each and every teacher to keep an exact account of the time of attendance of each scholar. It shall be his duty also to provide the necessary appendages for the school-house, and see to it that it is kept in good condition and repair. And at the end of the year, report to the township board of inspectors the number of scholars, the time the school has been kept, the amount of money received from the acting township treasurer, the amount raised within the district by tax, and for what purposes; and also the branches taught at the school. Said report to be forwarded to the office of the township clerk, on or before the day of the annual meeting.

Also, at each annual meeting of the district, one assessor shall be chosen for the same term of time as the moderator and director. It shall be his duty, together with the moderator and director, to levy and assess upon the inhabitants all taxes voted by the district. They, the moderator, director and assessor, shall constitute a board for this purpose, and also for the purpose, under the direction of the district, of selecting a site, estimating the expense of building, and building when so directed. All suits brought by or against the district, shall be brought in the name of the Moderator, Director and Assessor of school district number \_\_\_\_\_, of the township of \_\_\_\_\_, in the county of \_\_\_\_\_ and State of Michigan.

At each annual meeting of the respective districts, a vice-moderator, director and assessor shall be chosen for the purpose of discharging the duties of those officers in case of the death or removal of any one of them. They shall not act in any case, except on the death, or removal from the district, of any one or all of those officers, for whom they stand respectively as substitutes. In that case, and in that alone, the alternates shall discharge the duties of their respective principals.

### *3. Township officers—board of School Inspectors.*

There shall be chosen at the township election, three school inspectors, who shall hold their office until a new election. They shall be chosen in the same manner, and qualify as other township officers; and be known as the township board of school inspectors. Within ten days of their election, they shall meet at the office of the township clerk, and appoint one of their number chairman, and one secretary; the chairman shall preside at all meetings of the board, and the secretary keep a minute of all their proceedings and acts, which minute he shall sign and hand over to the township clerk, to be recorded by him. And the doings

of all subsequent meetings shall be transacted in the same manner and recorded by the township clerk. The board of inspectors shall have power, and it shall be their duty to form new districts, to regulate the boundaries of those already formed, when in their judgment the public good shall require a change, to inspect teachers, and each of the schools at least twice in the year, once at the close of the summer, and once at the close of the winter term. It shall be their duty to apportion the money derived to their respective townships from the income of the school fund, as well as that which was raised by their several townships, among the different districts entitled to a portion of the same, and to notify the acting township treasurer of the amount to be paid to each district ; and it shall be the duty of said treasurer to pay the same on a warrant of the director, countersigned by the moderator. On or before the first Monday of November, in each year, they shall make out from the district reports, a consolidated report, and forward the same to the Superintendent of Public Instruction. And for their services they shall present their account to the township board, to be passed upon and paid as other accounts. In case of the death or removal from the township of any one of the inspectors, the township board shall fill the vacancy.

#### *4. Townships, and their duties.*

To entitle any township to its apportionment of the income arising from the school fund, said township shall, at its annual meeting, raise by vote a sum equal to the amount to be received ; said amount to be levied and assessed, and collected in the same manner as other township taxes. Also to entitle any township to receive the apportionment, it must choose annually its board of school inspectors, and see to it that the duties enjoined on them by the law are fulfilled. Every township, complying with these provisions, shall be entitled to receive of the income of the public fund, in proportion to its number between the age of five and seventeen years. In case of the division of a township, the money that would have gone to it, as a whole, shall be divided between the two until a new census. And in case of the formation of an entire new township, it shall be entitled to receive according to the best estimate that can be obtained of its number of inhabitants between the ages above named, which never can exceed more than one apportionment in any case.

#### *Libraries.*

The constitution authorizes the legislature to provide for the establishment of libraries, as soon as the circumstances of the state will permit ; one at least in each township. Township libraries would undoubtedly prove beneficial to the public inter-



ests, but their benefits must necessarily be confined more generally to the immediate neighborhood of their location. The central district would have the advantage of all the other districts, though equally entitled to share in the privileges of the library. And as the constitution leaves it discretionary with the legislature to establish one or more in each township, it is respectfully submitted whether the public interests would not be greatly promoted by the establishment of one in each primary school district. Should the proposition, which has sometimes been made, of exempting certain individuals and classes of men from military duty, on the payment of an equivalent in money, be carried into effect, it would undoubtedly add considerably to the means for the support of such libraries, sufficient, it is thought, to place them on a respectable and permanent foundation. The district system has recently been adopted in the state of New York. The subject was introduced to the attention of the legislature by the superintendent in his report for the year 1834, with the following among other remarks. "If the inhabitants of school districts were authorized to lay a tax upon their property for the purpose of purchasing libraries for the use of the district, such a power might, with proper restrictions, become a most efficient instrument in diffusing useful knowledge, and in elevating the intellectual character of the people. A vast amount of useful information might in this manner be collected where it would be easily accessible, and its influence could hardly fail to be in the highest degree salutary, by furnishing the means of improvement to those who have finished their common school education, as well as to those who have not." In respect to the object of the law, the superintendent in his report for 1836, says, "Its main design was to throw into school districts and place within the reach of all their inhabitants, a collection of good works on subjects calculated to enlarge their understandings and store their minds with useful knowledge. It was believed that such a measure would come strongly in aid of other provisions, adopted with a view to the intellectual improvement of the great body of the people, and to point them to the true sources of their respectability and power. Works of a juvenile character would not, therefore, as a general rule, be suited to the purposes of the law." No means, next to the establishment of schools, can be more admirably adapted to the intellectual and moral culture, the improvement and progress of the people in knowledge, than the founding of well selected libraries. Its books would fill up many vacant hours, especially of the rising generation, that would be spent in no useful or honorable employment. "The clear proceeds of all fines, the equivalent for exemption from military duty," and the proposed \$10 district tax, should the two latter measures be adopted, would

constitute a fund, which, if judiciously expended from year to year, would produce the choicest fruit.

*School-houses.*

In the Prussian system, the law required plans of school-houses, and commanded that none should be built except according to such plans. Says M. Cousin, "The ministry has shown the most praiseworthy perseverance on this point, and I have now under my eye a general order addressed to all the regencies, containing a detailed description of the best and most economical manner of building school-houses—for the construction of school-houses must not be left to inexperience, or to an injudicious economy."

In the construction of a school-house, the windows should be high, so as to prevent out-door occurrences from attracting attention, also for the purpose of ventilating the room without throwing a current of air upon the head and neck of the pupils.

A school-room should be equally warmed throughout every part of it. To secure this object a thermometer ought to be kept in every such room, and the heat regulated to about sixty degrees.

The school-room should be so large as to contain a sufficient quantity of fresh and pure air. For the want of space to contain enough of this vital element, many a child has been sacrificed. The want of space and air is a waste of health and of life.

The dimensions of the building should be such as to allow twenty-one feet to each scholar. It is believed that this allowance is not too liberal, the passages and platform of the teacher being included.

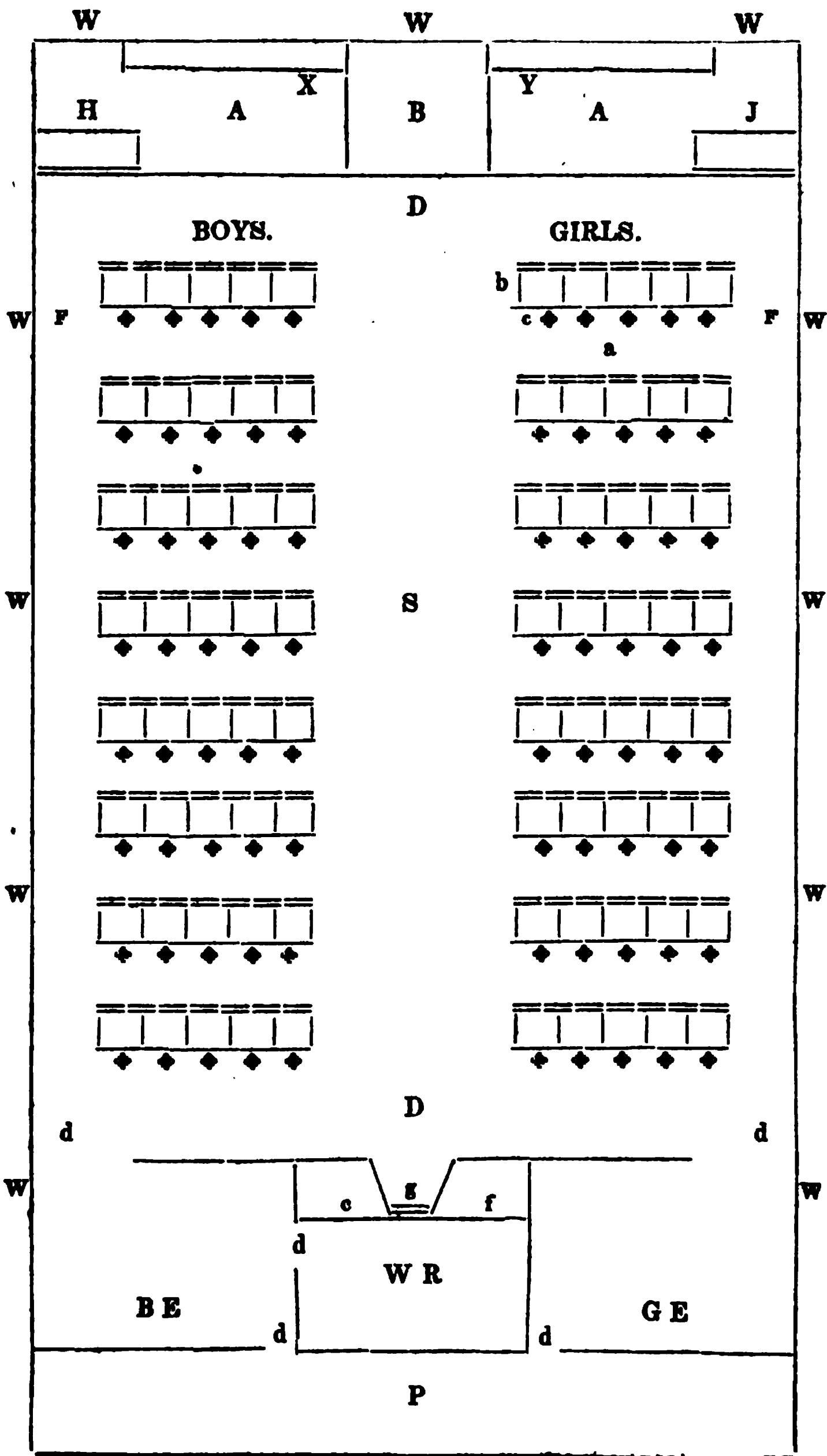
The floor of the school-room should be level, and not on an inclined plane. Much is lost in symmetry, convenience and comfort by inclined floors, without any thing gained to compensate the loss.

The desks for scholars should be level; and the seats for each scholar separate, and confined to the floor. They should be accustomed to such desks as they will generally use in after life. Those in front should be lower for smaller children than the rows in the rear.

The backs to the seats should be so constructed as to conform to the natural curve of the back of the child. If so made, when he leans back for rest, the whole frame will be equally supported. This, on examination, will be found to be an important principle.

The following ground plan of a school-house contains eighty separate seats and desks. It is selected, with some variation in the arrangement, from the plans presented to the American In-

stitute of Instruction. The whole edifice, without the portico, is 58 feet long, and 35 feet wide. The plan may be enlarged or diminished according to this rule. For ten scholars add four feet to the length, for sixteen scholars add four feet to the width ; for twenty-eight scholars, add four feet to both length and width. For a less number of scholars, the length or breadth, or both, may be diminished at the same rate. The school-room here presented is 47 by 35 feet, within the walls.



## EXPLANATIONS.

W W W, &c. Windows.

X, Cabinet for apparatus and specimens.

Y, Book-case.

A B A, Platform for the teacher, 6 feet wide and 9 inches high.

B, To be removed for stove in winter.

D D, Passages 6 feet wide.

H J, Teacher's and Assistant's desks.

F F, Passages 3 feet wide.

S, Floor, 9 feet wide.

b, Desks for scholars, 18 inches wide and 2 feet long.

c, Seats for scholars.

a, Passages between the seats and next row of desks, 15 inches wide; a desk, seat and passage occupy 4 feet; desk 18 inches, passage between it and seat 2 inches; seat 13 inches, and passage 15 inches.

d d, Doors.

c, Closet.

f, Sink to be concealed by falling lid.

g, Fire place.

B E, Boys entry 10 by 12 feet.

G E, Girls entry 12 by 10 feet.

W R, Wood room.

P, Doric portico in front.

*Academies—as branches of the University.*

Any county containing                      thousand inhabitants shall be entitled to an academy of the highest grade, as a branch of the university, by complying with the following provisions: The board of supervisors shall procure an eligible site, and cause suitable buildings to be erected, such as shall be deemed sufficient, and approved by the Superintendent of Public Instruction. And the board of supervisors shall have the power, and it shall be their duty, to appoint six wise and discreet persons, who, together with one to be named by the Superintendent, shall constitute a board of trustees. The one nominated by the Superintendent, shall hold his office for two years; of those appointed by the supervisors, two shall continue in office three years, two of them two years, and the remaining two one year, to be determined by drawing; and it shall be the duty of the board of supervisors ever after to appoint two annually. Of this academic board of trustees, the judge of probate and the two associate judges of the county, shall be ex-officio members; and the county clerk shall be ex-officio clerk of the board, and shall carefully register all its proceedings. The board of trustees shall have the care of the institution, superintend its general concerns, appoint a suitable number of profes-

sors and teachers, and make report annually to the board of visitors of the number of teachers, the number of students in each department, and the branches taught. The board of visitors shall consist of three persons, to be appointed annually ; one by the supervisors and two by the Superintendent. They shall visit the academy at its annual examination, inquire into its condition, examine the proceedings of the board of trustees, make a report, and forward it, together with that of the board of trustees, to the Superintendent of Public Instruction. For the support of the institution, the board of supervisors shall cause to be raised by the county, a sum equal to that which is apportioned to it from the income of the university fund. In each academy there shall be three departments, one for the education of teachers for primary schools, one for the higher branches of English education, and one for classical learning. The course of instruction in the teachers' department shall be three years, and its object is sufficiently indicated by its title. And it shall be open to all without charge, who wish to fit themselves for the business of teaching, on condition of a pledge being given, that in case the individuals concerned should fail of engaging in the profession of teaching for at least three years within four years after leaving the institution, they should pay the regular tuition of the English department for the whole time, unless prevented by some special disability from engaging in it. The object of the English department is also clearly indicated by its title. Its design is to furnish a large class of persons with an opportunity of pursuing some branches of education further than can be conveniently done in the primary schools, and whose object is not a regular course of classical studies. The department for classical literature is designed for those who wish to fit themselves to enter the university, and go through with its regular course of instruction. Tuition for the English department ought not to be over \$10 per year, and for the classical department it should not exceed \$12 per year. Should there be more than enough to sustain the institution from the three sources already indicated, from tuition, from the county, and from the university fund, it should be applied to the increase of the library. When any county shall have complied with the foregoing provisions, \$500 shall be appropriated to its academy for the purchase of apparatus and books, from the income of the university fund. Of this sum, \$200 may be applied to the purchase of books as the foundation of a library. The balance will furnish the following philosophical apparatus. The list of articles, with a slight variation, is taken from the last report of Mr. Dix, superintendent of the New York common schools.

An Orrery.

A Numeral Frame and Geometrical Solids.

A pair of Globes.  
 A moveable Planisphere.  
 A Tide Dial.  
 An Optical apparatus.  
 The Mechanical Powers.  
 A Hydrostatic apparatus.  
 A Pneumatic apparatus.  
 A Chemical apparatus.  
 One hundred specimens of Mineralogy.  
 An Electrical machine.  
 Instruments to teach Surveying.  
 A map of the United States.  
 A map of the State of Michigan.  
 An Atlas.  
 A Telescope.  
 A Quadrant.  
 A Microscope.

The contemplated apparatus is prepared by Brown and Pierce, of Boston, and may be purchased in New York for about \$300. And no academy ought to think of doing without one of the kind. In the teachers' department, the following branches ought to be thoroughly studied :

The English Language.  
 Writing and Drawing.  
 Arithmetic, mental and written, and Book-keeping.  
 Geography and General History combined, and History of the United States.  
 Geometry, Trigonometry, Mensuration and Surveying.  
 Natural Philosophy and Elements of Astronomy.  
 Geology and Chemistry.  
 Constitution of the United States and of the State of Michigan.  
 Select portions of the laws and the duties of Public Officers.  
 Principles of Teaching.  
 Rhetoric.  
 Algebra.  
 The nature of Man as a physical, intellectual and moral being, and his relative duties.

### *The University.*

In the organization of the university, it will be proper and necessary to create a board of Regents to superintend and manage its general concerns. The powers to be vested in this board, and its duties may and ought to be prescribed by law. The board of Regents shall consist of a Governor, Lieutenant Governor, the Chief Justice and Associate Justices of the Supreme Court, Chancellor of the state, and the Chancellor of the Univer-

sity, who shall be ex-officio members, and twelve others to be appointed by the legislature. Of these twelve, three shall continue in office four years ; three, three years ; three, two years, and the remaining three, one year, to be determined by drawing. This arrangement will make it the duty of the legislature, after the first organization, to appoint three annually. Of this board, the Secretary of State shall be ex-officio secretary. The Regents shall have the power, and it shall be their duty, to enact laws for the government of the university, to confer degrees, to appoint a chancellor, and the prescribed number of professors in the several departments, and the requisite number of tutors, also to determine their respective salaries ; to appoint a steward and fix the amount of his salary. The university shall consist of three departments :

1. The department of literature, science and the arts.
2. The department of law.
3. The department of medicine.

In the department of literature, science and the arts, there should ultimately be established the following professorships :

One of Ancient Languages.

- " Modern Languages.
- " Rhetoric and Oratory.
- " Philosophy of History and Logic.
- " Philosophy of the Human Mind.
- " Moral Philosophy.
- " Theology.
- " Political Economy.
- " Mathematics.
- " Natural Philosophy.
- " Chemistry.
- " Geology and Mineralogy.
- " Botany and Zoology.
- " Fine Arts.
- " Civil Engineering and Drawing.

The department of law should consist of the following professorships :

One of International Law.

- " Common Law and Equity.
- " Constitutional and Statute Law.
- " Commercial and Maritime Law.
- " Jurisprudence.

In the department of medicine there should be the following professorships :

One of Anatomy.

- " Surgery.
- " Pathology.
- " Practice of Physic.



**One of Obstetrics.****" Materia Medica.**

The immediate government of the several departments must necessarily be intrusted to their respective faculties. The Regents shall have the power to regulate the course of instruction, and prescribe, under the advisement of the professorships, the books and authorities to be used in the several departments. And it shall be the duty of the board of Regents to report annually to the board of visitors, the condition of the university, the amount of its expenditures, the number of its professors and tutors, the number of students in the several departments and in the different classes, and the text-books used, to be accompanied with an estimate of expenses for the coming year. The board of visitors, to consist of five, shall be appointed annually by the Superintendent of Public Instruction. But the question will arise, and it is an important one and must be met, Can an institution on a scale thus magnificent, be sustained? It is confidently believed that the day is not distant, when the wants of the state will require such an institution, and when its resources will be amply sufficient to sustain it. With a population already exceeding 200,000 souls, and floods of immigration of intelligent, enterprising and educated men, pouring in upon us, it cannot be otherwise. To suppose that the wants of the state will not soon require a superstructure of fair proportions, on a foundation thus broad, would be a severe reflection upon the foresight and patriotism of the age. And to suppose that such an institution cannot be sustained, would seem to be a contradiction of the known laws by which human affairs are governed. Let the state move forward as prosperously, for a few years to come, as it has for a few years past, and one-half of the revenue, arising from the university fund, will sustain an institution on a scale more magnificent than the one proposed, and sustain it too, with only a mere nominal admittance fee; a consummation most devoutly to be desired. And this fee, say \$10 from each student, may be applied to the increase of the library. The institution would then present an anomaly in the history of learning, an university of the first order, open to all, tuition free. It is not to be expected, nor will it be necessary, that all the professorships should be filled at the commencement of its career. One-half the number judiciously appointed and arranged could ad interim discharge the duties of the whole; they could do so without difficulty, until the wants of the institution and the state of its funds should warrant the completion of the plan. But in laying the foundations of a superstructure to be raised in just and equal proportions, and to be continued, as we trust, through all succeeding ages, liberal and ample provisions should be made for the anticipated wants of a high-minded and growing people. Present appearances warrant the belief that

the income of the university fund cannot fall short of \$50,000 per annum. One-half of this sum will be amply sufficient to give life and vigor to the several academies, as branches of the university, and the remaining half will be fully adequate to sustain the parent institution on a scale as grand and magnificent as that proposed.

But there is another question to be considered, and one which requires a more detailed examination than can now be given to it. It is the propriety of engrafting upon an institution destined for public education in the higher branches of literature, science and the arts, the departments of law and medicine. Lord Bacon, one of the great master spirits of the human race, states the true doctrine on this subject, and gives a conclusive reason for it. He says—"to disincorporate any particular science from general knowledge, is one great impediment to its advancement. For there is a supply of light and information, which the particulars and instances of one science do yield and present for the framing and correcting the axioms of another science, in their very truth and notion. For each particular science has a dependance upon universal knowledge, to be augmented and rectified by the superior light thereof."\* In an address delivered on occasion of the dedication of Dane Law College, as a department of Harvard University, President Quincy made the following lucid remarks: "In no way, perhaps, can the truth of this doctrine be better illustrated, than by the history of the progress of the English law, from its ancient, barbarous, and perplexed, to its present cultivated and lucid state. So long as it was disincorporated from general knowledge, and pursued exclusively under the guidance of professional men, in the Inns of Courts, or in offices of practitioners, its outline was obscure, its aspect forbidding and mysterious; none dared to pretend to master it, except the regularly initiated; and to some of these, its reason was a closed book, which they had not the strength or patience to open. No sooner, however, was the common law introduced among the branches of university education, than it became liberalized and refined. Its particular light was augmented and rectified by the superior light of universal knowledge. Its foreign jargon was abandoned. Its technicalities were diminished . . . by the labors of Blackstone the rough scene was changed. After the publication of his work, men of general science began to think and to speak of the English law, as of a subject which could be understood without the exclusive devotion of a whole life to it. Professional men also, their progress thus facilitated, found more leisure themselves to pursue general science. From the hour when the great magician, Blackstone, standing in the halls of Oxford, stretched his scientific wand over the 'illimitable ocean, without bound,' where

\* Interpretation of Nature, chapter viii.

to the uninstructed eye, 'cold, hot, moist, dry, in their pregnant causes mixed, seemed to strive for the mastery,' confusion disappeared. In its stead was seen a well proportioned, well cemented fabric, pleasing to the sight, satisfactory to the taste, approved by the judgment, its architectural principles just, its parts orderly and harmonious, in which justice was found consorting with reason, and controversy guided by the spirit of truth, and not by the spirit of victory. Thus, under the joint influences of a thorough legal education and of general science, it may confidently be anticipated, that the destinies of the profession of the law will daily become more and more elevated and refined."\* What the learned president here affirms in regard to the science of law, and its corresponding art and profession, is equally true, with some slight modifications, of the science of medicine, and its corresponding art and profession. The science has been enlarged and rectified, and the profession elevated and rendered more permanently beneficial to the human family, by its connection with general knowledge. It is not easy to imagine a more appropriate place for the investigation of the sciences of law and of medicine, and the study of the professions thereunto belonging, than at the fountain head of light and intelligence. The advantages resulting to each profession, from this connection with general literature and science, must be strikingly obvious. So much so indeed, as to excite wonder, on the slightest reflection, that a disconnection should ever have been tolerated.

But whatever may be the advantages of such a connection, it is not to be expected that the study of theology, as a profession, can ever be made a separate department of the university. There is no connection, and it is devoutly to be hoped there never will be, between church and state under our government. We have therefore no establishment, and consequently no ministry to provide for it. The different denominations, being left free in the exercise of their religion, are at liberty to adopt such measures for the training of the ministry of their respective churches as they may deem most advisable. The control and management of this business of right belongs to them ; and it would be usurpation on the part of the state to assume to interfere in its direction. But so far as the great principles of the science of theology are concerned, they necessarily come within the compass of that general knowledge, with which every well educated young man ought to be acquainted. The mighty evidences of the divine Existence, resulting from the unnumbered manifestations of contrivance and design throughout the universe of matter and of mind ; and the basis on which christianity has reared its stupendous fabric, and founds its claims to the confidence and affection of the world, would be fruitful topics for the prelections of such a professor-

\* The American Jurist, of January, 1833.

ship, as is proposed to be established. Besides, it will be found to be essential to the prosperity of the university. Without something of the kind, it would be abandoned by all religious denominations. We should then have presented to our view the spectacle of an university, on the broadest foundation, and splendidly endowed, but without students; while private institutions, struggling for existence, with comparatively few advantages, would be filled to overflowing. As christianity is the religion of our people, it must be recognized as coming within the circle of general knowledge, though they will suffer no interference in the formation of their religious opinions. It is all important to secure the interest of the great body of the people, in the welfare of the university. But the great mass of them will be found attached to the different denominations of christians. Nothing therefore should be done to excite jealousy, or create alarm. And it is equally important that no religious test be introduced, but that every individual be left free in the exercise of his religion, and to worship as his conscience shall dictate. No flourishing institution can be found, which does not embrace as much as is here proposed; every attempt on a different plan hitherto made has proved an entire failure. The university lately established in the city of New York, has a professorship of the character here contemplated; and as the first fruit of it, a splendid production has recently been presented to the public in a volume of lectures, written in the most captivating style, and filled with the clearest logical argumentation, and abounding in the most enlarged and liberal views. Such a professorship, thus filled, would secure to any institution unbounded confidence. And the men who founded that seat of learning are to be numbered among the most talented of our country, enlightened and liberal in their views, and belonging to the different religious persuasions. We find among them an ex-president of the United States, and the Hon. Benjamin F. Butler—the present distinguished attorney general, who is now one of the council of the university, and who has recently been appointed to a professorship in the department of law. The fact is not to be concealed, that there is a strong prejudice in the minds of many worthy and enlightened men against state institutions. And it is often said of late, that state institutions do not flourish. This feeling has originated from the attempt of two or three states to exclude every thing in the form of religion from their universities. The moral sense of the community was found to be against the plan, and the institutions could not flourish; for they were abandoned by the great majority of those who patronize the higher seminaries of learning. And the consequence was, difficulties ensued, and private institutions rose up around them and prospered. The truth is, the nature of man is such that the result might have been anticipated. There is a medium between bigotry on the one

hand, and atheism on the other. And the success of the university, its life, energy, character and usefulness, will essentially depend on the adoption of that medium course. In Brown University, the different denominations have ever been conjointly engaged in promoting the cause of letters. Difficulties may be created in anticipation, but they will generally be found on a nearer inspection, to be imaginary. Some may complain if they cannot have the entire control, but the great body of the people will be satisfied. In respect to the assertion, that state institutions do not, and cannot flourish, it may safely be affirmed, that the history of the past proves directly the reverse. The oldest and most venerable institutions in our land are emphatically state institutions; they were planted, came up, increased in stature, and attained to the maturity and vigor of manhood, under the guidance and patronage of the state. There have been no failures, except in the cases named, and obviously for the reason assigned. The same is true of nearly all the celebrated European universities; they are state institutions, founded, sustained and directed by the state. It is all important that the university of Michigan, in its constitution and order, be such as to secure the confidence of the liberal minded of all denominations, and then it may be expected that they will give it countenance and support.

But there is another question, involving important considerations, which is intimately connected with the subject that has just now been discussed, and it is one that justly demands the exercise of the soundest discretion. It is the granting to private associations, acts of incorporation with university powers. Such corporations, if the filling of all vacancies is vested in themselves, contain within their own body the principle of self-preservation and perpetual existence. Thus far, they are independent of the government, and cannot be reached by any power in the state; because the charter is held to be sacred. It is true, the right of supervision may be retained, and also the right of repeal. The principle adopted in New York is to grant university powers only on condition that the company applying shall have \$25,000 in appropriate buildings, and \$100,000 in funds, secured in double the amount, for the use of the institutions; the state reserving to itself the right of visitation. The object of this rule is to prevent the multiplication of such institutions without any fair prospect of permanent usefulness; and where the practice of granting such charters has obtained, the propriety of the rule cannot reasonably be questioned. With us, as a state, all is new; and we are at liberty to adopt such principles, and form such rules of action, as on mature reflection the great interests of learning may seem to require. It is respectfully suggested to the consideration of the legislature, whether it will be desirable to incorporate such a number of private associations for the purposes of education, as

will have the effect to draw off the attention and interest of any considerable portion of the public from the institutions founded by the state.

*Superintendent of Public Instruction—and his duties.*

The present law requires of this officer certain duties ; and should the system proposed, or one similar to it, be adopted and go into operation, other duties must necessarily be required. The following are some of the more important of these duties :

1. To submit to the legislature an annual report, exhibiting the condition of the university and primary school funds, also of the primary schools and of the university and its branches, and all such matters relating to his office and the public schools, as he may think proper to communicate.

2. To prepare suitable forms for making all reports, which may be required of the district, township, academic and university boards, and suitable regulations for conducting all proceedings under the law relating to public instruction, and transmit the same with such instructions as he may deem proper for the organization and government of the public schools, with such directions as to the course of studies as he may judge advisable, to the several officers intrusted with their management and care.

3. To appoint the prescribed number of trustees and visitors in the different academic boards, and the annual board of visitors to the university.

4. To take charge of all university and school lands, and all other property, reserved to the state for the purpose of education, and dispose of the same according to law.

5. To invest all moneys arising from the sale of such lands and property, as directed by law.

6. To apportion the income of the university fund among its branches and the parent institution, and also the income of the primary school fund among the several townships and cities of the state, on such principles as shall be sanctioned by the legislature.

7. To prepare annually a table of the amount to be paid to the university and each of its branches ; also the amount in the aggregate to be paid to the different counties of the state, from the income of the university and primary school funds respectively ; and present the same to the state Treasurer. Said table to be the guide of the Treasurer in the disbursement of all moneys to those officers who shall be entitled to receive the same.

8. To notify the treasurers of the several counties of the amount in the aggregate to be disbursed in their respective counties, stating the amount to be paid to the academies from the university fund, and also the amount from the primary school



fund to be paid to the different townships in their respective counties. Said notice to be the guide of the county treasurers in the payment of said moneys to those entitled by law to receive and apply the same.

9. To hear and decide all questions arising under the public school system, and the decision when made to be final. The object of this is to give the Superintendent appellate jurisdiction in all matters arising under the statute relating to public instruction. This jurisdiction is given to the superintendent of the New York system, and was "designed to give him the power of putting at rest all controversies arising in the administration of the system of which he has the supervision. His decision in all matters of appeal is final, and every case brought before him is disposed of without expense to the parties, excepting such as is incurred in the preparation of their papers, which are, however, always received without regard to form, if they are in substance correct."\* Says Mr. Dix—"If the system has any defect, it is that the superintendent has no power by law to enforce the execution of his own decisions." This is indeed a defect, and it will doubtless be considered important to provide against it.

The disposition of the lands reserved by Congress and given to the state for the support of primary schools as well as seminaries of the highest grade, is a subject which demands the most deliberate consideration. Whether the public fund shall be ample or meagre, whether it shall be sufficient to place our schools and seminaries of learning on high and elevated ground, or leave them to pine and droop, will depend in a great measure on the course that shall be adopted in respect to them. It is a fund which ought to be held sacred, and religiously regarded. Its benevolent object is, to promote the best good of the state in all future time. It is destined, if rightly managed, to put within the reach of every child, whether high or low, rich or poor, in all coming generations, the means of gaining that knowledge which shall fit him for usefulness, and enable him to discharge, with honor to himself and credit to his country, the high obligations of an American citizen. What design more noble! or more desirable to be accomplished! or more worthy to engage the attention of the wise and good! In a state where there are ample means to educate every child, and where the obligation to educate every one is felt, acknowledged and enforced, the poor man, perchance made so by some unexpected dispensation of Providence, may die in the full assurance that his children will not be suffered to grow up in ignorance, but that they will be instructed in the more important elementary branches of knowledge. Such a result, such a consummation, may be confidently predicted, in case a judicious dis-

\* Report for 1836.

position is made of the school lands. How desirable a residence, how desirable a permanent home, with a people where knowledge and virtue are the first elements of the social state ! To make an impression upon the destiny of our own country, and through our own country upon the high destinies of the world, to cause our influence to be felt in the councils of the nation, and to leave an impress upon the age in which we live, we must be a highly cultivated people. We cannot do these things without knowledge ; neither can our children. They need not be left to make the attempt ; for we have put within our reach ample and permanent means to extend to them the highest degree of physical, intellectual and moral culture. The law of Congress, as well as the constitution of the state, imposes upon the government the high responsibility of preserving and managing the fund arising from the lands reserved within the state for the purposes of education. No encroachment can ever be made upon the principal of either the university or primary school fund ; both must remain perpetually, and the interest accruing from each be inviolably appropriated to its destined object. Hence that disposition of the school and seminary lands will be the wisest and best, which will ultimately yield to the state for the support of the public schools the greatest amount of revenue.

With respect to the disposition of these lands, two leading plans have been suggested. One is to lease, and the other is to sell them. To leasing lands, there are serious objections. Experience, which is in all such cases, decidedly the best teacher, shows conclusively that where lands are leased they will generally be impoverished rather than improved. Human nature is such, that men do not, and will not, take that interest in leased lands which they uniformly do in farms, where the right of soil is in themselves. Hence it is, that we so generally find on leased lands the improvements to be temporary, unsubstantial works, made either with a view of gaining a mere livelihood, or for the purpose of accumulating sufficient to render the occupant independent in the possession of a farm he can call his own. Good farmers cannot be induced to spend their days on leased lands. As soon as they have gained enough to put them in the full possession of a farm, they will instantly relinquish all other titles. And it is unavoidably the case, that where leased lands pass from one to another, their value is constantly depreciating. And when the lease is about to expire, if the occupant wishes to retain possession, he can easily put the lands in such a state and make such an impression in respect to them, as will have a direct tendency to do away all competition. Besides it may be seriously doubted, whether so great an income can ever be derived from the seminary and school lands on a mere lease, as from a judicious investment of the proceeds of a judicious sale of them. But waiving the



question of sale, will they, in the present circumstances of the country, lease readily for ten, twenty or thirty years, for a fair valuation? Will good farmers lease unimproved lands, and so cultivate and improve them, as to increase essentially their value, when at the end of the lease, they will be liable to lose all their improvements, or be obliged to pay for them anew? and especially will they do it, so long as they can purchase of the government good lands for \$1 25 per acre? Some of limited means may do it, but they will do it not with a view of making any permanent and valuable improvements, but for the purpose of making enough out of the land to purchase farms, that they may hold in fee simple. Under a lease, the lands will be exhausted, but not improved; they will be worn, but not increased in value. The most rigid laws may be enacted, and the most rigid system of supervision adopted; and they may do something to retard, but nothing to prevent ultimately such a result. Men will take from, but add nothing to the value of lands, where the right of soil is not in themselves. Against leasing in perpetuity, some of these objections will lie with still greater weight. In process of time, the lands may be almost entirely exhausted; and when once leased, what security can the state have to prevent such a catastrophe? Suppose a quarter section of the seminary lands to be leased for \$224 per annum, the yearly interest of the money, if sold for \$20 per acre; from this quarter section, all the valuable timber may be removed, and the whole of it put under the plough, and subjected to the most exhausting system of cropping. And off of it, and out of it, enough may soon be realized to purchase four times the amount of new land. And though the soil may be exceedingly fertile, all grain indeed to any assignable depth, yet it is in accordance with the known operation of the laws of nature, that this land must be exhausted; and consequently will be liable to be abandoned. By good management, this fertility may be preserved, and even increased; but under a severe system of cropping, it must necessarily be exhausted. It will be found to be exceedingly difficult to avoid this result; for the man will not stay upon his quarter section and pay the \$224 per year, when he can do better with his time and money; neither can he be obliged to do it. Were the seminary and school lands broken up, or cleared, as the case may be, while they are fresh and in the full vigor of strength, men may be found who will pay annually for some of them the \$224 per quarter section. But in most cases, it will be done for the sake of cropping the land, and not for its permanent improvement. It is this species of farming which has reduced large portions of some of the older states to a perfect desert. If once under a lease, can such farming be prevented on the seminary and school lands? If not, then it requires neither a prophet nor the son of a prophet to predict the result. Fifty

years hence the lands would be reduced in value, and the rents arising therefrom would not equal the interest on the money for which they might even now be sold. Were they to be leased for a small annuity, as are some lands in the state of New York, they would then be regarded in nearly the same light as other lands. But it is apprehended, that such an idea is not, and cannot be entertained, the object being to derive from the university and school lands the greatest amount of revenue consistent with the principles of right and justice.

In addition to all this, there is another serious view to be taken of this subject. The leasing of such an amount of land, as is reserved for the purposes of education, and scattered through the length and breadth of the state, would create the relation of landlord and tenant, between the government on the one hand, and citizens on the other, to the number of from three to five thousand. And is there no danger to be apprehended from such a source? Would it not necessarily create jealousy and alarm? And would it not be giving to a corrupt administration, the means of perpetuating its power? All history teaches us, that no relation is so subversive, and no tenure by which lands are held, which creates more dependance, and especially, where the lease is not perpetual. Let the relation of landlord and tenant be dissolved in Great Britain, and the government of the aristocracy is ended, and the people are free, sovereign and independent, from that day forth. From the course of reasoning thus far pursued, the conclusion is obvious, that it would not be consistent with sound policy to lease either temporarily or perpetually, the lands reserved to the state for the purposes of education. The remaining alternative is to sell them. But this sale need not be a forced one; it may be done gradually, as the wants of the country and a sound discretion may seem to require. For the public security, let a minimum price be fixed, as high as \$15 per acre for the university, and \$5 per acre for the primary school lands, one-fourth to be paid down, and the balance in four instalments; the first in five, the second in ten, the third in fifteen, and the fourth in twenty years; with interest annually, to be secured by bond and mortgage. On conditions like these, let the lands in the more settled parts of the state be thrown into market, and sold at auction to the highest bidder. What remains unsold might still be kept in market, to be sold as occasion should offer.

At \$15 per acre, 20,000 acres of the seminary lands would sell for \$30,000, and it is more than probable that the first 20,000 acres would average as high as \$20 per acre, which would amount to \$400,000. The interest of \$300,000 would be \$21,000 per annum, while \$28,000 would be the annual interest of \$400,000. With such an income, how easy to lay the foundation of an university on the broadest scale, and place it on high and

elevated ground at the very commencement of its career of light, usefulness and glory. The balance of the seventy-two sections, 26,080 acres, would undoubtedly sell, as soon as the funds would be needed, at the same rate. If for \$15 per acre, they would sell for \$391,200, the interest of which would be \$27,384 per annum. If for \$20 per acre, the sale would amount to \$521,600, the annual interest of which would be \$36,512. We have then this result, at \$15 the acre, the whole would amount to \$691,200 with the yearly income of \$48,384; at \$20 the acre, it would amount to \$921,600, with an annual interest of \$64,512. It is not apprehended that the amount can, in any event, fall short of the lower estimate, while it is believed, judging from the decisions of the past, and the indications of the future, that it will exceed the higher computation.

The primary school lands reserved from sale, and given to the state by the ordinance of Congress, consist of sections number sixteen, in all the surveyed townships, and by the constitution of the state, as already intimated, the proceeds of all these lands are to go into one general fund for the support of schools throughout the state. Were it not so, one township might derive from its lands an enormous yearly income, while its neighbor with more inhabitants might be almost entirely destitute, owing to the unfortunate location of its sixteenth section. The peninsular portion of the state of Michigan contains very nearly 40,000 square miles, one thirty-sixth of which belongs to the common school fund. In 40,000 square miles, there are 1,111 townships of thirty-six square miles each. But dropping eleven entire townships for the deficiency already suggested, there will remain 1,100 townships, which is a fraction less than the true number.

One square mile, section number sixteen in each township, amounting in all to 1,100 square miles, is devoted to the cause of primary education. In 1,100 square miles, there are 704,000 acres, which, at \$5 per acre, the minimum price, would realize to the state \$3,520,000. It is to be presumed, however, that a due proportion of this amount is waste land, and consequently of no value. But if a portion is waste land, an equal portion must be regarded as of the first quality. Throwing one-fourth entirely out of the question, the remaining three-fourths will produce the following results, at the prices estimated for each separate fourth:

The first quarter, at \$10 per acre, would amount to	\$1,760,000
The second " " " "	1,282,000
The third " " " "	704,000

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Total, \$3,696,000

Another estimate will show a similar result.

50,000 acres, at \$15 per acre, would amount to \$750,000

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Carried forward,

\$

Brought forward,					\$
150,000	acres, at \$10 per acre, would amount to				1,500,000
200,000	"	\$5	"	"	1,000,000
200,000	"	\$3	"	"	600,000
104,000	"	\$0	"	"	00,000
Total,					\$3,850,000

These estimates may seem to be extravagant, but it is confidently believed, that the result, in the issue of things, will exceed rather than fall short of the highest computation. Time, the great discloser of events, will yet develop the resources of the state for the promotion of useful knowledge, and enstamp upon them a value, of which few seem to have any adequate conception. It is true, much must necessarily depend on the adoption of wise councils and good management.

But we have not reached, in the calculations made, the extent of those resources. The boundaries assumed in the preamble of the constitution, include a portion of the territory north-west of Lake Michigan, and the late ordinance of Congress conditionally admitting the state into the Union, extends the boundaries in that direction, so as to give us on that side of the lake in all about 25,000 square miles. And one thirty-sixth of this also will ultimately be the property of the state for the support of primary schools. 25,000 square miles would make 694 townships, of 36 sections each; which would give to the state 694 square miles, amounting in all to 444,160 acres. It would be difficult to give a just estimate of the value of these lands, but it is safe to say that they are destined at no distant day to add more than \$1,000,000 to the common school fund of the state.

On the terms already proposed for the disposition of the lands reserved to the state for the purposes of education, the sales of the primary school lands would soon reach \$1,500,000. And if the estimate already made should be found in the end to be any thing like an approximation to the reality, this sum will be reached before 200,000 acres of those lands are sold. The yearly interest of this sum would be \$105,000, which, considering the population, would be a greater income than is now divided in Connecticut, which has the largest school fund of any state in the Union. Moving forward as prosperously for three years to come, as three years past, and there can be no doubt the state may have at least \$28,000 to be applied to the support of an university, and \$105,000 for the primary schools; and not more than 20,000 acres of the seminary lands sold, nor more than 200,000 acres of the primary school lands.

But what investment shall be made of the one-fourth payment? It is respectfully suggested that it may be loaned to the

different counties of the state, in sums from 5 to \$10,000, the faith of the respective counties being pledged to pay the interest annually, and the principal when called for after ten years, notice being given at least one year previous to the call for payment, and the same privilege should be reserved to each county of paying any time after ten years, by giving the required notice of its intention to pay. This would enable the different counties to erect their public buildings, and assist greatly the settlement of the country. In this way the whole sum may be retained at home, and do much towards preventing that pressure in the money market, which is sometimes so sensibly felt in new communities. Should any remain uninvested, it may be loaned to individuals, and secured in double the amount by bond and mortgage, as nearly the whole of the school fund is at present in the state of Connecticut, which the present able commissioner of the fund declared to the Superintendent "to be in his judgment the safest and best investment that can be made, stocks of all kinds being more uncertain and precarious." And it may be important to make it the duty of the board of school inspectors to appraise property, on which a bond and mortgage is proposed to be given. A measure like this would effectually secure the state against loss; and it might also be provided in case of a depreciation in the value of the property, that a new appraisement should be made, and, if found wanting, additional security be given, or a foreclosure immediately ensue.

Assuming, as the basis of calculation, 200,000 to be the population of the state, and it cannot safely be estimated to be less, one-half that number at least will be found to be under twenty-one years of age. These, in the language of an intelligent gentleman, "are all flexible subjects of education, in its most comprehensive sense, though they are not all within the influence of that part of it which can be easily controlled by legislation, or indeed by any means except by an enlightened public opinion. A few of this great number have left the schools and all direct means of education, and entered upon the active business of life. And a portion of the younger part of them are yet subjects only for domestic education. But after these deductions from the two extremes, it will not be extravagant to state that one-third of the whole population are of a suitable age to attend school.\*" It is demonstrated by the returns under the New York, Massachusetts and Connecticut systems, that one-third of the whole population in those states come within the provisions of the school law. It results from this computation, that 66,666 of our population ought to be in school. And it ought to be remembered in this connection, that four or five years, or even one year of this

\* James G. Carter, Esq. chairman of committee on education, H. R., Mass.

period of life, gone unimproved, is a loss to the individual, which never can be retrieved. It is therefore obviously a dictate of sound policy, as well as an act of justice to the rising generation, to provide ample means, as soon as can be done consistently with the public interests, for the support of schools. The school season of those in minority will soon have passed away, never to return. It is all important to them, and almost equally so to the next generation, that their claims should be duly appreciated. It would certainly be to them but a poor remuneration to preserve for posterity what ought to be expended in educating them. The contemplated disposition of the public lands, it is firmly believed, would adequately supply the present wants of the people, and result in no material injury to the general fund. But even admitting that fifty years hence the general fund might be 5 instead of \$4,000,000, by holding on to the public school lands a number of years to come, yet if such a course is to leave the present generation in a great measure uneducated, as it necessarily must, it would be inflicting upon the state an injury, which is not within the power of the combined methods of calculation to compute, which neither time nor money can ever remove. Let the night of ignorance once cast its blasting shade athwart the land, and our sun is set. Let the rising race retrograde, and the next generation will retrograde with an accelerating and resistless step, and that too, in spite of constitutions, laws, school systems or money. It is much easier to keep possession than to regain it, when once it is lost. It is matter of rejoicing, that the great body of our people, are not only intelligent, but educated men; because it will be found to be much less difficult to carry into operation an effective system of public instruction, than in those states where general education has for a long time been neglected. It is also matter of grateful remembrance, that we had in the convention, which formed the constitution, men of enlarged and liberal views; and that the first legislature of the state so promptly responded to the letter and spirit of this constitution. But there is another view to be taken of this subject—our population is increasing with unparalleled rapidity. By the time the next United States census is taken, we shall number nothing short of 300,000 inhabitants. There will then be 100,000 subjects for education. These things of themselves are sufficient to throw around the great questions now under consideration a thrilling interest. Most of the settlements have done something, and some of them have done nobly, for the cause of primary education. But they have necessarily difficulties to encounter, obstacles to surmount, and they have much to do in providing themselves a home and the means of subsistence. The people, therefore, in a special manner, in their present circumstances, need help; and it may



soon be in the power of the state to extend to them all needful aid and encouragement.

Indeed, all the mighty interests of the country are virtually suspended upon the course of education. For, as says Lord Brougham, "A sound system of government requires the people to read and inform themselves upon political subjects; else they are the prey of every quack, every impostor, and every agitator, who may practice the trade in the country. If they do not read; if they do not learn; if they do not digest by discussion and reflection, what they have read and learned; if they do not qualify themselves to form opinions for themselves, other men will form opinions for them, not according to the truth and the interests of the people, but according to their own individual and selfish interest, which may, and most probably will be contrary to that of the people at large. The best security for a government like ours—a free government—and generally for the public peace and public morals is, that the whole community should be well informed upon its political, as well as its other interests."\* But how is this information to be obtained without schools and teachers? in short, without the education of all classes? And how is this to be accomplished without union and effort, and the adoption of the most efficient measures. Every man may do something, and our country has a right to expect something from every individual. The sentiment of Cicero, the great master mind of antiquity, as expressed in his splendid work on the republic, is a sentiment which should reign in the breast of every American citizen: "Our country has not given us birth, or educated us under her law, as if she expected no aid from us; or that, seeking to administer to our convenience only, she might afford a safe retreat for the indulgence of our ease, or a peaceful asylum for our indolence. But that she might hold in pledge the varied and most exalted powers of our mind, our genius, and our judgment, for her own benefit; and that she might leave for our private use such portions only, as might be spared for that purpose."† How desirable to adopt such measures, and how exceedingly important to pursue such a course, as that in coming years, among the thousands reared in the public schools under the fostering care of the government, some powerful and gifted mind, stored with all that can refine, enlarge and elevate, shall arise and be able sincerely and truly, to adopt the language and sentiment of Mr. Butler, of New York, in closing a historical sketch of public education in his own state. "This brief review of the history of public instruction in this state, ought not to be closed without a tribute of gratitude to those wise and patriotic public servants, who at the very beginning of

\* As quoted by Judge Story, in Lecture before A.I.I., 1831.

† Cicero of Republica, Liber. I, Ch. 4

our career as an independent state, laid the foundation of the policy which has since been pursued. The direction then given to the public councils, has never been abandoned. The promotion of literature and of general instruction has been a rallying point which has united the feelings and concentrated the exertions of men, whose opinions on other matters were not only discordant but irreconcilable. The state has often been shaken to its centre by political collisions; and it has sometimes happened that objects of real importance have, under the influence of feelings engendered by those collisions, been neglected or opposed; but at all times and under all circumstances, this great interest has received from all men of all parties, a constant and enlightened protection. This single fact, while it confers upon our people the highest honor, is sufficient to vindicate the utility of republican institutions.\* Education is certainly an object of sufficient magnitude to unite the hearts and hands, the feelings and energies of a whole people in the promotion of its cause. Its advancement, therefore, should be one great end and aim of all, in a special manner, who are intrusted with the great and growing interests of the state.

An abstract of the reports of school commissioners, and also an abstract of the reports of school directors is herewith presented. But few reports have been received, either from commissioners or directors. This is owing undoubtedly to a want of due information; and the shortness of time after the passage of the law requiring reports, prevented that information from being circulated sufficiently to secure the object. Five hundred circulars were issued, but it is to be presumed that many of them did not reach the proper source in season to obtain the required reports.

All of which is respectfully submitted.

JOHN D. PIERCE,  
*Superintendent of Public Instruction.*

*Reports of School Commissioners.*

<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
<i>Allegan County.</i> Allegan, Newark, Otsego, Plainfield,						

\* Discourse before the Albany Institute.



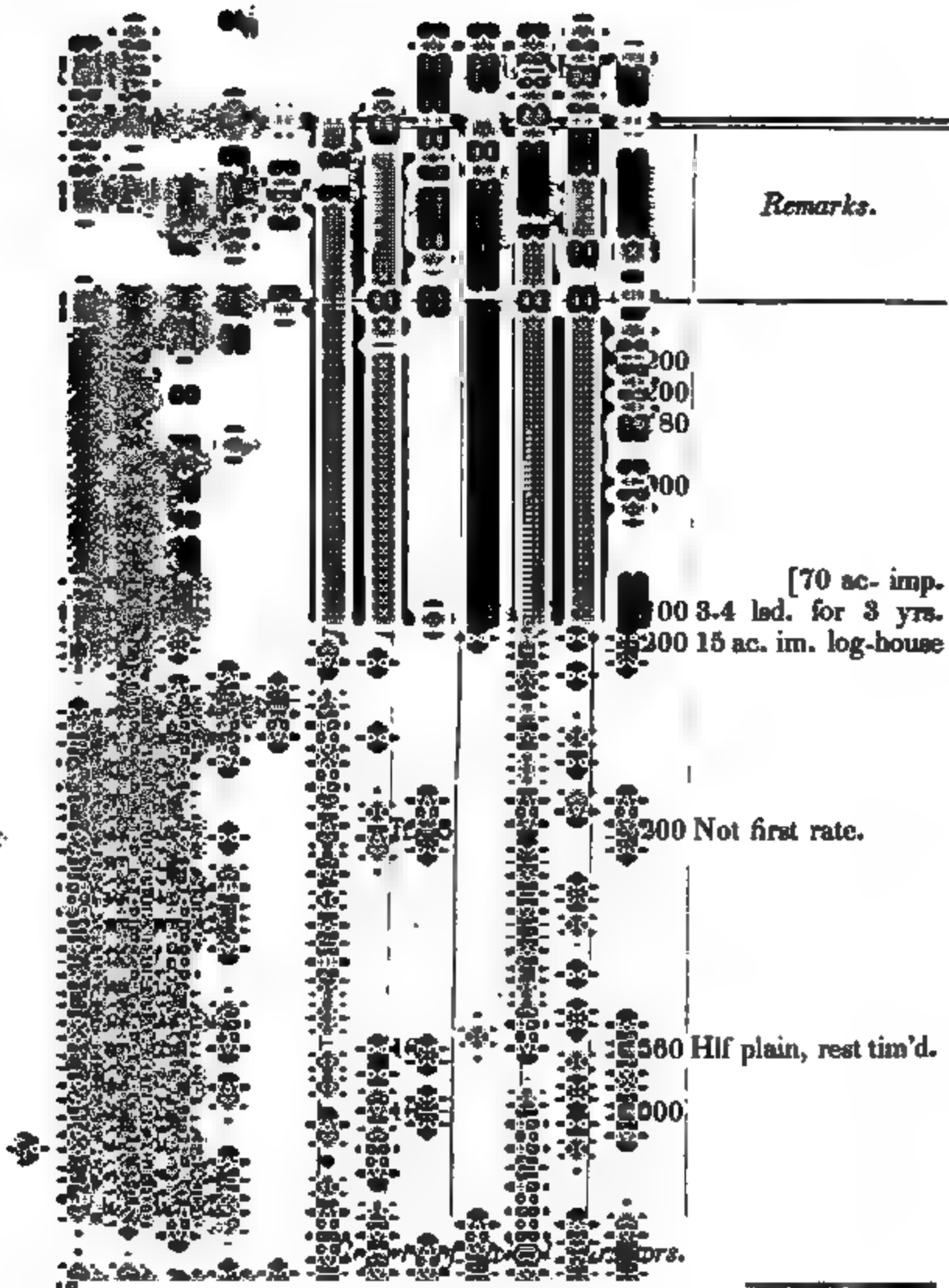
<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
<i>Branch County.</i>						
Batavia	3	16	6 s. 6 w.		\$7680	
Coldwater		16	7 s. 6 w.		1920	
		16	8 s. 6 w.		1920	
Girard,		16	5 s. 5 w.		8600	
		16			8800	
Prairie River, Sherwood, Quincy,						
<i>Berrien County.</i>						
Berrien,	3	16	8 s. 17w.		6400	
Bertrand,		16	8 s. 18w.		3200	
		16	8 s. 19w.		3200	
Niles, New Buffalo, Royalton,	3	16			} 8640	
		16				
		16				
St. Joseph,						
<i>Barry County.</i>						
<i>Cass County,</i>						
Calvin, Howard, Jefferson, Lagrange, Mason, Pokagon, Perrine, Porter,		16 16fr. 16			5120 3200 3200	Sit. on Chicago road. Cut up by lakes. 10 acres improved.
Volinia, Wayne,						
<i>Calhoun County.</i>						
Athens,	4	16 16 16	4 s. 7 w. 4 s. 8 w. 3 s. 7 w.		1600 800	Timbered land. Mostly marsh.

<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
Athens,	3	16	3 s.	8 w.	\$4480	Dry pr., good land.
Eckford,		16	3 s.		3200	Burr oak op'gs, w'd
Marshall,		16	1 s.	6 w.	6400	Uncultivated.
		16	2 s.	6 w.		
		16	3 s.	6 w.		
Sheridan,		16	1 s.	4 w.	1280	
			2 s.	4 w.	1600	
Tekonsha,	16				800	Mostly marsh.
<i>Eaton County.</i>						
Bellevue,						
<i>Clinton County.</i>						
Clinton,						
<i>Genesee County.</i>						
Flint,	9				14600	
Grand Blanc,		16			5120	Timbered openings.
<i>Hillsdale County.</i>						
Allen,	4	16	5 s.	3 w.	2560	Good tillable l'd un.
		16	6 s.	4 w.	5120	ditto ditto
		16	7 s.	4 w.	2560	ditto ditto
		16	8 s.	4 w.	2560	
Adams,						
Fayette,						
Moscow,						
Pittsford,						
Scipio,						
Wheatland,						
<i>Ionia County.</i>						
Ionia,						
<i>Jackson County.</i>						
Concord,						
East Portage,						
Grass Lake,	2	16			\$ 1600	Not well located.
		16			1600	ditto.
Hanover,						
Jacksonburgh,	4	16	1 s.	1 w.	3000	F'st rate op's & pl'ns
		16	2 s.	1 w.	4000	First rate far'g land.
		16	3 s.	1 w.	3000	Good upl'd & m'd'w
		16	4 s.	1 w.	1500	Hill and marsh.

<i>Counties and Townships.</i>	<i>No. of surveyed Townships.</i>	<i>No. of section.</i>	<i>No. of townships.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
Leoni, Napoleon, Spring Arbor,  Sandstone, West Portage,  <i>Kalamazoo County.</i> Brady, Comstock, Prairie Ronde, Pavillion, Richland,  <i>Kent County.</i> Kent, Granville,  <i>Lenawee County.</i> Blissfield, Cambridge, Dover, Fairfield, Franklin, Hudson, Lenawee, Logan, Macon,		16 16	3 s.	2 w.	\$3200	1st rate land bur-oak
Palmyra, Rollin, Raisin, Rome, Seneca, Tecumseh, Woodstock,	2	16 16	5 s. 6 s.	5 e. 5 e.	4480 1920	Timb'd and watered Low timber'd land.
		16			6400	1st rate land 30 a. im.
		16			9600	Oak ops. timb'd&wd
<i>Macomb County.</i> Armadia,	2	16 16	5 n. 5 n.	13 e. 14 e.	3200 800	
Bruce, Clinton, Harrison, Jefferson,						



<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of townships.</i>	<i>No. of range.</i>	<i>Valuation.</i>	
Waterford, White Lake,  <i>Saginaw County.</i> Augustine, Flint, Grand Blanc, Genesee, Saginaw, Shiawassee,  <i>St. Clair County.</i> Clay, China, Cottrelville, Clyde, Desmond, St. Clair,  <i>St. Joseph County.</i> Bucks, Colon, Flowerfield, Leonidas,  Nottaway, Sherman, White Pigeon,  <i>Van Buren County.</i> Pawpaw,   <i>Washtenaw County.</i> Augusta, Ann Arbor, Bridgewater, Dexter, Freedom, Lima, Lodi, Lyndon,						
	2					
	1	16	6 s.	9w.	\$800	Wet marsh.
	1&fr	16	5 s.	8w.	4480	
		15	5 s.	9w.	4480	
		33	5 s.	9w.	4480	
	2	2.16	5&6s	10w.	8950	
	4	16			5600	
	4					
	17½				33600	8 secs. oak openings and 9½ timb. land.
					4000	
			2 s.	4 e.	6000	12 acr. impr. well tim
					2560	Uncultivated.



Remarks.

200  
200  
80  
200

[70 ac. imp.  
200 3.4 lsd. for 3 yrs.  
200 15 ac. im. log-house

200 Not first rate.

560 Hlf plain, rest tim'd.

200

200 Drs.

		No. of scholars taught.	Amount paid for teaching.
			3
11 m.	119	291	
6 m.	52	61	
3	6 m.	16	52

## DOCUMENTS.

577

<i>Counties and Townships.</i>	<i>No. of the District.</i>	<i>Valuation of property of District.</i>	<i>No. of children between 5 and 16.</i>	<i>Length of time a school has been kept.</i>	<i>No. of scholars taught.</i>	<i>Amount paid for teaching.</i>
<i>Calhoun County,</i>						
Athens,	1	100	48	4 1-2	35	\$37 50
	2	80	37	5 wk s.	30	9
Tekonsha,	1	130	22	3 m.	24	15
<i>Eaton County.</i>						
Bellevue,	1	70	56	10 m.	72	61
<i>Genesee County.</i>						
Grand Blanc,	1	250	39	8 m.	42	84
	2			1 m.	25	13
	4		20		20	
			18			
<i>Hillsdale County.</i>						
Allen,	2		45	3 m.	40	18 90
<i>Jackson County.</i>						
Jacksonburgh,	1	750	75	8 m.	65	192
Napoleon,	9	500	48	3 m.	38	36
Spring Arbor,	2	125	20			
	3	200	21	3 m.	30	15
	8		46	2 m.	30	16
<i>Lenaawee County.</i>						
Clinton,	5	150		8 m.	100	150
<i>Macomb County.</i>						
Ray,			24			
<i>Oakland County.</i>						
Avon,		30	34	7 m.	54	88
Bloomfield,	1		60	11 m.	52	102
Commerce,	1	130	34	7 m.	52	44
Highland,	1	100	46	8 m.	60	60
Novi,	2	150	43	6 m.	40	48
	6	200	37	7 m.	70	66 25
Troy,	2	250	68	8 m.	29	99
<i>St. Joseph County.</i>						
Colon,	2		27	6 m.	20	76
Flowerfield,	1		15	3 m.	23	24
Sherman,	2	200	51	10 m.	51	82

<i>Counties and Townships.</i>	<i>No. of the District.</i>	<i>Valuation of property of District.</i>	<i>No. of children between 5 and 16.</i>	<i>Length of time School has been kept.</i>	<i>No. of scholars taught.</i>	<i>Amount paid for teaching.</i>
<i>Wayne County.</i>						
Huron,	1		49	6 m.	46	\$48
<i>Washtenaw County.</i>						
Bridgewater,	2	80	35	7 m.	61	68
Freedom,	1		35		4	
	2	90	43	5 m.	46	47 50
	3			6 m.	25	32 50
Lima,	4	250	67	8 m.	70	75
Lodi,	5	75	41	6 m.	30	45
Lima and Sylvan,	3	300	45	9 m.	51	72
Northfield,	1		38	8 m.	20	58
	4		25	7 m.	40	57
Pitt,	1	300	49	8 m.	43	56
	2	150	47	7 m.	40	60
	4	100	36	4 m.	40	47
	5	250	20	4 m.	23	20
	7	180	21	3 m.	12	12 25
Salem,	1	30	26	9 m.	31	42
	2	300	39	9 m.	50	73
			63	7 m.	60	59
	4	55	48	7 m.	24	31
Saben and Lyon,	1	50	34	9 m.	51	47 12
	2	50	43	7 m.	35	59
Scio,	3	125	31	5 m.	36	45
Scio and Webster,	2	120	35	6 m.	25	37
Sylvan,	2	40	29	5 m.	20	26
York,	1	20	71	8 m.	51	75
	4		32	6 m.	28	53
Ypsilanti,	1		52	4 m.	40	27 50
	2	400	63	7 m.	70	93 80
	4		60	12 m.	91	445
	6	125	39	7 m.	25	48

N. B. *Branches taught and books used.* In this particular the uniformity in the returns of the districts is so great, that it was thought unnecessary to repeat them for each district. The following may serve as a specimen of the returns:

*Branches taught.* Reading, writing, arithmetic, geography, English grammar; in a few instances, history and natural philosophy are added.

*Books used.* Webster's elementary spelling books, Olney's geography, Kirkham's grammar, &c.



(No. 8.)

*Report of the Commissioners appointed to review the County Seat of Branch.*

*To his Excellency STEVENS T. MASON,  
Governor of the State of Michigan:*

The undersigned, commissioners appointed to review the seat of justice for the county of Branch, beg leave to report, that having entered upon their duties agreeably to the provisions of an act entitled "An act to provide for the review of the seat of justice of the county of Branch," are of the opinion that the present seat of justice for said county ought to be vacated, and recommend that the seat of justice for said county be established in the village of Mason, on village lots numbered thirty-two and thirty-three, according to the map of said village of Mason, in township number six south, in range six west; and further report, that there have not been any improvements made upon the lots given for county purposes in the present seat of justice for said county.

Given under our hands at the village of Mason, in said county of Branch, this 25th day of July, 1836.

WILLIAM H. HOAG, }  
CHARLES GRANT, } *Commissioners.*  
HIRAM WIGHTMAN, }

(No. 9.)

STATE TREASURER'S OFFICE, }  
*Detroit, January 7, 1837.* }

SIR—From repeated applications at this office by persons from the interior counties in the state to obtain measures, in particular to be sealed, I infer that the several counties are in want of suitable standards of weights and measures.

By an act of Congress passed June 14, 1836, it is made the duty of the Secretary of the Treasury of the United States, to procure a suitable set of weights and measures, "to be delivered to the Governor of each state in the Union, or such person as he may appoint, for the use of the states respectively, to the end that an uniform standard of weights and measures may be established throughout the Union."

As this state has not been put in possession of the necessary sets of weights and measures under the act of Congress referred to above, it is highly important that means should be taken as soon as possible to furnish each county with the proper standard of weights and measures, so that the people in each county may pro.

cure their weights and measures to be sealed, without the trouble and expense of sending to this office.

I am induced to call your attention, as the proper medium through whom the subject may be laid before the House of Representatives at its present session, and I would respectfully suggest the propriety of authorizing some person to procure the requisite number of sets of weights and measures to furnish each county in the state, and an appropriation sufficient to meet the expense.

Very respectfully,

Your obedient servant,

HENRY HOWARD, *Treasurer,*

*To the SPEAKER of the House of Representatives.*

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(No. 10.)

OFFICE OF THE ST. CLAIR AND ROMEO R. R. Co. }  
January 10, 1837. }

*To the Honorable the Senate and*

*House of Representatives of the State of Michigan:*

The President and Directors of the St. Clair and Romeo railroad company respectfully

#### REPORT:

That the books for subscribing to the capital stock of this company, were opened in all of the month of June last, for six days in each of the places named in the charter, viz: Romeo, Palmer and Detroit, when the whole of the stock was promptly taken.

The company was organized on the 29th of June last, by the election of seven directors and the appointment by them of a president and other officers; when arrangements were immediately made for procuring instruments necessary for a survey of the route, and for the general progress of the work.

As soon as the instruments were had, which, owing to the great demand for them, was unexpectedly delayed until August, the survey of the route was made from the village of Palmer to where the road will cross the Gratiot turnpike, found to be very favorable, and the location determined for nearly the whole of the distance thus surveyed. Conflicting interests delayed the final location of the road across the turnpike, but the directors have pleasure in saying that this matter has been recently settled on terms highly favorable to the company.

The owners of the land through which the road has thus far been located, have given assurances of yielding to the company the necessary quantity of land free of charge, and in some instances, this has been already done.

The grubbing, chopping and clearing of the whole width of one hundred feet, on the first three miles, and the width of twenty feet for eight miles further, were put under contract early in the fall, and are now nearly completed.

It was found that the greatest share of excavation and embankment would be required on the first, second and ninth miles, (commencing at the village of Palmer and going west,) and as no one could be found, willing to undertake the work at a stipulated price, men were put on it by the month, and a large share of the grading on the first and second miles, has been done, and the ground is now nearly ready for the rails.

By reference to the accompanying affidavit of the President and Treasurer, it will be seen that the expenditures, up to the first of January instant, amount to \$6,207 57, of which, \$1,090 14, was for instruments, surveying and engineering, \$1,184, for chopping, grubbing and clearing, \$3,547 47, for excavation and embankment or grading, and \$345 96, for salary of secretary and treasurer, and office expenses.

From their increased experience, and the facilities afforded by the immediate proximity of material, and the level character of the country through which the road will pass, the directors have no hesitation in saying, that the St. Clair and Romeo railroad will be built for at least as small a sum as any railroad of the same length in the country; whilst the profits that will return to the stockholders after its completion will only be exceeded by the great gain to the country at large, affording, as it will, an avenue to and from market, of one of the most fertile and rapidly settling sections of Michigan.

By order of the Board of Directors.

THOMAS PALMER, *President.*

OFFICE OF THE ST. CLAIR AND ROMEO R. R. Co. }  
January 10, 1837. }

We, the undersigned, Thomas Palmer, president, and H. N. Monson, secretary and treasurer of the St. Clair and Romeo railroad company, being duly sworn do depose and say:

That the amount expended, for building said railroad, up to the 1st of January instant, including grubbing and clearing, excavation and embankment, surveying and engineering, and for salary of secretary and office expenses, is, (so far as the same can be now audited and settled,) six thousand two hundred and seven dollars, fifty-seven cents, (\$6,207 57.)

THOMAS PALMER, *President.*

H. N. MUNSON, *Secretary and Treasurer.*

Signed and sworn to before me, the 16th day of January, 1837.

H. V. DISBROW, *Justice of the Peace*  
of Wayne county, M.

## (No. 11.)

*Special Report of the Bank Commissioner.*

*Resolved*, That the Bank Commissioner be requested to furnish this House with a tabular statement of the returns of the several banks in this state ; which shall exhibit the amount of capital stock paid into the said banks ; of the debts due the same ; of the moneys deposited therein ; of the notes in circulation, and of the specie on hand ; and such other information relative to the affairs of said banks as may be exhibited by said returns.

In accordance with the above resolution of the honorable the House of Representatives, I have the honor to state, that a full report from the following banks has been prepared in a tabular form, and is now in the hands of the printer :

The Bank of Michigan, Farmers' and Mechanics' bank, the Bank of the River Raisin, the Michigan state bank, the Erie and Kalamazoo railroad company's bank, and the bank of Ypsilanti.

The bank of Pontiac has made returns, which are now in the hands of the committee on incorporations of the House.

The bank of Tecumseh has made but partial returns, as follows :

Capital stock called in,	\$30,000 00
Calls not paid,	5,750 00
Specie,	17,145 00
<hr/>	
Notes of other banks,	8,070 92
Circulation,	8,500 00
Deposites,	13,056 15

The Bank of Washtenaw has made no report, nor has the Bank of Monroe.

The other institutions have been in operation too short a time to make any detailed statement.

All of which is respectfully submitted.

MARSHAL J. BACON, *Bank Commissioner.*

Jan. 26, 1837.

## (No. 12.)

AUDITOR GENERAL'S OFFICE, }  
 Detroit, 1st February, 1837. }

*To the Hon. the SPEAKER*

*of the House of Representatives :*

In compliance with the resolution of the 30th ultimo, I herewith subjoin an abstract from the records in this office of the returns

## DOCUMENTS.

583

from the several counties which have complied with the act to provide for defraying state charges, &c.

	Am't of assessment.	State tax.
Calhoun,	\$912,434	\$2,281 08
Jackson,		1,573 62
Branch,		890 36
Livingston,		542 63
St. Joseph,		1,529 18
Kalamazoo,		2,562 97
Kent,		993 30
Genesee,	321,869	8,04 67
Hillsdale,	4,576	114 00
Cass,	820,978	2,052 00
St. Clair,	238,947	1,377 00
		<hr/>
		\$14,720 81

You will discover from the above exhibit that five counties only have returned the aggregate amount of assessment, and whether their returns comprehend real and personal estate, I cannot say. The counties are charged with the amount of taxes as appears by the exhibit, no part of which, however, has as yet been paid into the treasury.

I am not in possession of any other document that will enable me to more fully comply with the resolution.

I have the honor to be,

Respectfully, your ob't serv't,

ROBERT ABBOTT,  
*Auditor General.*

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(No. 13.)

*Statement of the affairs of the Bank of Washtenaw, February 10, 1837.*

Notes of other solvent banks on hand,	\$9,085 00
Specie,	13,329 34
Bills discounted,	155,320 47
Funds in the hands of our agent at Lockport, N. Y., subject to sight drafts,	10,104 10
Funds in the city of New York, subject to sight drafts,	9,715 34
Funds in the city of New York to redeem our circu- lation, payable there,	50,400 00
	<hr/>
Carried forward,	\$

Brought forward,	\$	
Funds in Buffalo, N. Y.,		1,358 12
Due from Bank of Michigan,		1,650 08
Due from Bank of Ypsilanti,		537 83
Real estate,		2,500 00
Exchange account,		8,173 00
Contingent expense account,		5,357 31
Dividends paid,		3,480 00
		<hr/>
		\$271,010 59
		<hr/>
Capital stock paid in,	\$	100,000 00
Profit and loss,		7,069 03
Discounts received,		5,319 44
Notes in circulation,		134,670 00
Due to Bank of River Raisin,		1,448 34
Due to Farmers' and Mechanics' bank,		1,441 45
Due to Bank of Monroe,		56 53
Suspense account,		78 00
Individual deposits,		20,927 80
		<hr/>
		\$271,010 59

BANK OF WASHTENAW, }  
*Ann Arbor, February 11, 1837.* }

SIR—I have the honor to transmit herewith, a statement of the condition of this institution, with a request that the same may be laid before the honorable the House of Representatives, together with this communication.

This statement contains all the information (as far as the bank is concerned,) which the Bank Commissioner was requested, by a resolution of the House of the 25th ultimo, to furnish.

The Commissioner in his report made in compliance with the resolution referred to above, was pleased to say that “the Bank of Washtenaw has made no report,” thereby evidently conveying the idea, whether intended or not, that the institution, although in duty bound to do so, had neglected to make such report.

The language used by the Commissioner on this occasion is well calculated, unexplained, to produce an unjust and consequently an unfavorable impression upon the legislature and the public at large, as regards the condition of this bank—to guard against which and to place the matter in its true light, is the particular object of this communication.

If the Commissioner, in stating the fact that no report had been made to this bank, had stated another fact, that is, that it had not been called upon for a report, this communication would have been rendered unnecessary.

But inasmuch as he has not thought proper to make the explanation, it becomes my duty to do so. A request from him for a report from this bank, although his authority to require one is not recognized, would have met with respectful attention, and as a matter of courtesy, cheerfully complied with.

I beg permission, very respectfully to add, that a copy of our semi-monthly statement was forwarded to his excellency the Governor, on the 8th January—and that the provision in the charter of this institution which makes it the duty of the president and cashier, whenever thereto required, to furnish to the legislature a statement of its condition, will at any time and all times be cheerfully complied with.

I am, sir, with great respect,

Your most obedient servant,

E. J. COBB, *Cashier.*

To CHARLES W. WHIPPLE, Esq. *Speaker*  
*of the House of Representatives, Detroit.*

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(No. 14.)

*Communication from the Bank Commissioner in relation to Report of the Bank of Washtenaw.*

*Detroit, February 15th, 1837.*

To Mr. CHARLES W. WHIPPLE,  
*Speaker of the House of Representatives :*

My attention has this moment been called to a communication presented to the House, from the cashier of the Bank of Washtenaw ; and as I am there referred to in my official capacity, I would respectfully state :

I was instructed by a resolution of the honorable the House of Representatives, to report certain items, making up the liabilities and resources of the banks in this state. In compliance with that request, I made such returns as had been furnished to me, most of them having been given to me by banks over which I had no control. To all the banks, except the Bank of Monroe, I made a request for such returns. On Tuesday, the 10th of January last, I asked Mr. E. J. Cobb, cashier of the Bank of Washtenaw, in his office, for such a statement as would enable me to include that institution in my returns. I claimed no power to demand it, but requested it of Mr. Cobb, and he then informed me that he would make up his statements, and would send me a copy at Detroit in a few days. I waited several days, before I put the returns in the hands of the printer, hoping the returns of the Bank of Washtenaw would be received. My object was

two-fold ; to make my returns complete, and to show the public that the Bank of Washtenaw, since it came into the hands of the present proprietors, had redeemed its reputation, and was in good repute and perfectly sound.

I may certainly disclaim any intention to hold out the idea that the Bank of Washtenaw was bound to report to me, for every member of the legislature knew the contrary to be the case.

I left here on Monday, the 9th, for Ann Arbor; the Governor had then received no returns. The 8th, the day on which the cashier says he forwarded his returns, was the Sabbath.

I am, sir, with great respect,

Your humble servant,

MARSHAL J. BACON,

*Bank Commissioner.*

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(No. 15.)

*Proposition of the Detroit and Pontiac Railroad Company.*

*To his Excellency STEVENS T. MASON,*

*Governor of the State of Michigan :*

SIR—As a committee appointed by the stockholders of the Detroit and Pontiac railroad company, for the purpose of making propositions for the relinquishment of their charter to the state, we would respectfully offer to do so upon the following conditions :

First, That the act incorporating said railroad company, be so amended as to allow the Bank of Pontiac to enjoy the same privileges as it does in its present connection with said railroad charter.

Second, That the state pay to the treasurer of the company the amount of money expended in the construction of said road, and seven per cent. interest thereon, and assume all contracts not yet completed.

Third, That the road, so far as it is under contract, being twelve miles and forty-eight rods, shall be allowed to remain as now located.

Fourth, That the state shall cause said road to be continued to the village of Pontiac, within two years from the date of the relinquishment of the charter.

And we are instructed to state to your Excellency, that from what estimates have been made, the probable entire cost of the road, including cars sufficient to put it in operation, will not exceed one hundred and twenty-five thousand dollars ; about twenty-five thousand of which, have been already expended.



And we are further instructed to state, that in case the legislature should deem it expedient to grant to the company a loan of fifty thousand dollars upon a pledge of the stock, together with whatever other additional security the state may require, it would better meet the wishes of the stockholders, and enable them more immediately to complete the work.

DANIEL LE ROY,  
G. O. WHITTEMORE.

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(No. 16.)

*Special Report of the Bank Commissioner, pursuant to instructions from the Governor.*

*Detroit, June 12, 1837.*

*To his Excellency STEVENS T. MASON,*  
*Governor of Michigan :*

SIR—In accordance with your instructions, I have visited all the banking institutions in the state, and made a personal examination into their affairs ; and have the honor to submit the accompanying statements as the result of my inquiries into their present condition.

It is due to the banks and to the community that I should express my entire conviction of their general solvency, and ability to meet their existing liabilities. I do this with great pleasure, as the exhibits of their present situation herewith communicated fully demonstrate, that the banks of Michigan were under no necessity to suspend specie payments, except as a measure of defence, to protect themselves from the consequences that must inevitably result from the suspension of the banks in New York and elsewhere.

I will also take occasion to say that every facility has been afforded me by the officers of the different banks in aid of my investigation, and every disposition manifested to give a true exposition of their affairs. All of which is respectfully submitted.

I have the honor to be

Your ob't servant,

(Signed)

E. N. BRIDGES, *Bank Com.*

*Bank of Michigan, Detroit, & Branch at Kalamazoo, June 1, 1837.*

Bills discounted,

\$919,151 00

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§

Carried forward,

Brought forward,	\$	
Domestic bills of exchange,	416,815	36
Loans on guaranty and real estate,	73,442	47
Advances to public officers,	6,472	85
Banking-house, (new)	13,577	74
J. Ward & Co.,	5,198	29
Albany city bank,	88,067	95
Farmers and mechanics' bank, Michigan,	14,776	19
Michigan state bank,	4,948	40
Branch bank, Michigan,	169,902	99
Bank of Buffalo,	4,923	23
Bank of Geneva,	8,499	50
Bank River Raisin,	10,015	70
Ohio life and trust co.,	292	51
Clinton bank,	49	06
Branch bank, Chicago,	1,574	96
Branch bank, Galena,	656	31
Calhoun county bank,	52	05
Franklin bank, Cincinnati,	308	72
Bank of Washtenaw,	1,275	52
Farmers' and mechanics' bank, St. Joseph,	335	37
Bank of Auburn,	1,011	17
Ontario branch bank,	2,463	76
Bank of Cleveland,	618	06
Bank of the metropolis,	166	79
Foreign bank notes,	42,439	00
Specie,	107,393	92
	<hr/>	
	\$1,894,428	91
	<hr/>	
Capital stock,	\$450	000 00
Do. branch bank,	50,000	00
Discounts received,	20,261	70
Profit and loss,	6,409	57
Contingent fund,	13,897	02
Due to public offices,	21,688	21
Treasurer U. States,	730,434	98
Commercial bank Lake Erie,	4,647	55
Bank of Oswego,	900	00
Seneca county bank,	6,256	74
Wisconsin bank,	305	51
Bank of Ypsilanti,	1,884	04
Bank of Norwalk,	1,424	00
Bank of Pontiac,	750	93
Macomb county bank,	274	73
	<hr/>	

Carried forward,

\$

**DOCUMENTS.****589**

Brought forward,	\$	
Merchants' bank, (Boston,)	790	20
Bank of Rochester,	530	19
Erie & K. R. R. bank,	915	53
Miami export co.,	440	00
Deposites,	234,555	01
Circulation,	345,063	00
	<hr/>	
	\$1,804	428 91

***Statement of the Branch Bank, May 20, 1837.***

Bills discounted,	\$133,339	21
Domestic exchange,	50,289	67
Cash,		
Foreign bills,	4,611	00
Specie,	6,400	20
Bank of Michigan, special account,	50,000	00
Furniture,	2,173	49
Farmers' and mechanics' branch bank,	986	86
New banking-house,	80	00
Bank of Washtenaw,	325	00
	<hr/>	
	\$248,205	43
	<hr/>	
Capital stock,	\$50,000	00
Discounts received,	2,451	37
Profit and loss,	2,241	07
Expense account,	3,259	60
Due to banks,		
Bank of Michigan,	162,364	51
Calhoun county bank,	2,723	80
Individual deposits,	10,212	99
Circulation,	14,922	00
	<hr/>	
	\$248,205	43

**(Signed)****A. G. HAMMOND, *Cashier.******Wayne County, State of Michigan, ss.***

H. K. Sanger, cashier of the Bank of Michigan, having been duly sworn, deposes and says, that the within is a true statement of the funds of said bank.

**H. K. SANGER, *Cashier.*****Sworn and subscribed before me,****E. N. BRIDGES, *Bank Commissioner.***

*Farmers' and Mechanics' Bank of Michigan, Detroit, and Bank  
at St. Joseph, June 1st, 1837.*

Bills, discounts and domestic exchanges,		
Parent office,	\$802,811 34	
Branch,	204,668 96	
	<hr/>	\$1,007,480 30
Real estate,	14,281 02	
Branch,	1,470 01	
	<hr/>	15,751 03
Expense account,		3,314 15
Due from banks,	232,161 00	
Branch,	10,297 74	
	<hr/>	242,458 74
J. Norton, cashier, draft returned for specie,	10,000 00	
	<hr/>	10,000 00
Foreign bank notes,	26,757 92	
Branch,	27,901 00	
	<hr/>	54,658 92
Specie,	105,789 56	
Branch,	8,514 62	
	<hr/>	114,301 18
Items as cash,		12,009 71
		<hr/>
		\$1,459,977 03
		<hr/>
Capital stock,		\$400,000 00
Profits on hand,	25,766 43	
Branch,	7,551 35	
	<hr/>	33,317 78
Treasurer of United States,		483,284 75
Public officers,		33,633 13
Dividends unpaid,		774 50
Due to banks,	53,548 09	
Branch,	1,288 61	
	<hr/>	54,836 70
Circulation,	156,287 00	
Branch,	133,300 00	
	<hr/>	289,587 00
Special deposits,		12,592 98
Individual deposits,	109,118 61	
Branch,	39,362 08	
	<hr/>	148,480 69
Bank in transitu,		8,469 55
		<hr/>
		\$1,459,977 03

*Wayne County, State of Michigan, ss.*

John Biddle, president, and John A. Wells, cashier of the Farmers' and mechanics' bank, having been duly sworn to, depose and say that the above is a true statement of the funds of said bank.

(Signed)

JOHN BIDDLE, *President.*

JOHN A. WELLS, *Cashier.*

Before me, this 12th day of June,

H. H. BROWN, *Notary Public.*

*Michigan State Bank, Detroit, June 10, 1837.*

*Assets.*

Bills discounted,	\$258,140 63
Real estate,	8,306 34
Expense account,	838 17
Due from other banks,	30,123 43
Foreign notes,	38,803 00
Specie on hand,	33,220 00
Items in transitu,	16,226 21
State of Michigan,	18,788 07
Deposites in New York and Albany,	77,496 14
Stock owned by bank,	32,592 50
	<hr/>
	\$514,529 49
	<hr/>

*Liabilities.*

Capital stock,	\$200,000 00
Profit and loss,	13,244 37
Internal improvement fund,	118,656 40
Due to banks,	28,009 95
Circulation,	98,104 00
Dividends unpaid,	217 50
Individual deposits,	56,297 18
	<hr/>
	\$514,529 49
	<hr/>

(Signed)

F. H. STEVENS, *President.*

JOHN NORTON, Jr., *Cashier.*

*State of Michigan, Wayne County, ss.*

On the 12th day of June, 1837, personally came before me F. H. Stevens, president, and John Norton, Jr., cashier of the Michigan state bank, and being by me duly sworn, depose and say, that the foregoing statement by them subscribed, is a full and true account of the funds and property of said bank, and a full and true statement of the affairs of said bank.

(Signed)

A. TEN EYCK, *Notary Public,*

*in and for Wayne county.*

*Bank of St. Clair, May 10, 1837.*

Capital stock,	\$20,000 00
Circulation,	37,007 00
Deposites,	1,806 7
Discounts and exchanges,	191,049 19
	<hr/>
	\$59,862 26
	<hr/>
Bills discounted and receivable,	\$38,441 19
Expense account, personal property, bank fund and taxes,	1,477 17
Buffalo agency,	870 08
Detroit agency,	6,820 40
Bills of other banks,	1,574 02
Cash items,	71 23
Specie,	10,608 17
	<hr/>
	\$59,862 25

The liabilities of the directors are four thousand four hundred and fifty-six dollars and seventy-five cents.—(\$4,456 75.)

*State of Michigan, County of St. Clair, ss.*

I, Wesley Truesdail, cashier of the Bank of St. Clair, being duly sworn, do depose and say, that the foregoing statement is correct, to the best of my knowledge and belief.

WESLEY TRUESDAIL.

Subscribed and sworn, this seventeenth day of May, 1837  
before me,

N. TOMLINSON, J. P.

*Statement of the affairs of the Bank of Pontiac, June 9th, 1837.*

Bills discounted and domestic exchange,	\$105,725 29
Banking-house furniture,	356 50
Due from banks,	5,994 31
Funds in Buffalo,	5,891 02
Items counted as cash,	6,000 00
Due from the Detroit and Pontiac railroad company,	8,315 40
Over-drafts	3,560 00
Notes of other banks,	81 00
Specie,	7,092 00
	<hr/>
	\$143,015 52
	<hr/>
Capital stock paid in,	\$99,225 00
	<hr/>

Carried forward,

\$

## DOCUMENTS.

593

Brought forward,	\$	
Profits on hand,	5,080	87
Due to banks,	606	20
Individual deposits,	3,675	84
Notes in circulation,	34,477	61
		<hr/>
	\$143,015	52

*State of Michigan, Oakland County, ss.*

I, the undersigned, cashier of the Bank of Pontiac, do swear, that the foregoing statement is substantially correct, and a true exhibit of the affairs of this institution, as I verily believe.

(Signed) SHERMAN STEVENS, *Cashier*

Sworn and subscribed before me, this ninth day of June, 1837.

WM. S. HENDERSON, *Justice of the Peace.*

*Bank of Clinton, May 26, 1837.*

Cash—Specie,	\$10,589	61
Office,	2,000	00
Foreign,	7,000	00
	<hr/>	\$19,589 61
Bills discounted,	30,040	66
Expense account,	711	50
Farmers' and Mechanics' bank of Michigan,	8,449	34
Michigan state bank,	75	00
Bank of Washtenaw,	150	00
Bank of Geneva,	254	69
Funds at Buffalo,	6,102	47
Funds at Bath,	2,650	00
		<hr/>
	\$68,023	47
	<hr/>	
Capital stock,	\$20,000	00
Office notes issued,	42,900	00
Discount record,	564	26
Exchange,	581	58
Certificates,	1,086	65
Deposites,	2,890	98
		<hr/>
	\$68,023	47

Liabilities of directors, \$10,596 83.

*State of Michigan, County of Lenawee, ss.*

Subscribed and sworn to before me, this 27th day of May, 1837.

JOHN SMITH, J. P.

The above is a true statement of the Bank of Clinton.

(Signed)

E. SMITH, *Pres't.*

A. H. McCURE, *Teller.*

*Bank of River Raisin, May 24, 1837.*

Bills discounted and domestic exchanges,	\$296,039 65
Real estate,	8,408 50
Due from banks in the cities of New York and Albany,	31,353 66
Due from other banks,	20,095 72
Bank notes on hand,	5,694 00
Specie,	22,896 26
Cash items,	2,350 00
Over-drafts,	4,982 06
	<hr/>
	\$391,829 85
	<hr/>
Capital stock paid in,	\$150,000 00
Profits on hand,	8,195 16
Due to banks,	32,395 99
Deposites,	37,102 70
Circulation,	164,136 00
	<hr/>
	\$391,829 85

The amount of loans, discounts and endorsements of the directors, is \$42,717 26.

(Signed)

A. E. WING, *Pres't.*

N. R. HASKELL, *Cash'r.*

*State of Michigan, County of Monroe, ss.*

Be it known, that on this 29th day of May, A. D., 1837, personally came before me, Austen E. Wing, president and Norman R. Haskell, cashier, of the Bank of River Raisin, and made oath that the within is a true statement of the affairs of said bank, according to the best of their knowledge and belief.

(Signed)

CARLOS COLTON, *Notary Public.*

*Statement of the Erie and Kalamazoo Railroad Bank, 25th May, 1837.*

Due from banks in Albany,	\$7,667 54
Due from banks in Buffalo,	5,712 12
Due from other banks,	2,807 20
Specie,	9141 59
Notes of other banks,	1,141 00

Carried forward,

\$



## DOCUMENTS.

595

Brought forward,	\$	
Loans and discounts,	140,716	79
Expenses,	44	10
Bank fund,	93	75
Over-drafts,	16	00
	<hr/>	
	\$168,180	09

Capital paid in,	\$65,600	00
Circulation,	85,435	00
Due to banks,	1,716	15
Profits and loss and discounts,	2,674	29
Unpaid dividends,	1,188	75
Deposites,	11,563	90
	<hr/>	
	\$168,180	09

The total liabilities of the directors as makers and endorsers on loans and discounts, are \$38,224 18.

I, Philo C. Fuller, cashier of the Erie and Kalamazoo railroad bank, at Adrian, being duly sworn, do declare that the foregoing statements are correct and true, to the best of my knowledge and belief.

PHILO C. FULLER.

*State of Michigan.*

Subscribed and sworn to this 25th day of May, 1837, before me,  
MILTON W. HALSEY.

*Notary Public of Lenawee county, state aforesaid.*

*Bank of Ypsilanti, June 6, 1837.*

*Liabilities.*

Capital stock paid in,	\$50,000	00
Profit and loss,	3,745	81
Office notes in circulation,	87,768	00
Individual deposits,	11,687	46
Due to other banks,	1,197	53
	<hr/>	
	\$154,398	80

*Resources.*

Bills discounted,	\$98,890	47
Bank fund,	50	00
Incidental expense,	1,860	78
Due from Buffalo agency,	\$13,705	75
Due from other banks,	3,786	75
Specie on hand,	14,893	47
	<hr/>	
Carried forward,	\$	\$

Brought forward,		\$
Notes of other banks,	\$14,723 00	
Items counted as cash,	6,478 75	53,597 55
		<hr/>
		\$154,398 80

The loans made to directors, are \$5,729.

*Washtenaw County, ss.*

Personally appeared before me this 6th day of June, 1837, David Ballantine, cashier of the Bank of Ypsilanti, and made oath that the above statement was true, according to the best of his knowledge and belief.

ABRAHAM VOORHIES, *Justice of the Peace.*

*Statement of the Bank of Constantine, June 7th, 1837.*

Bills discounted,	\$14,639 75
Real estate, banking house and lot,	1,422 22
Balances due from other banks,	4,532 53
Expense account,	411 50
Notes of other banks,	4,804 00
Specie,	13,983 94
	<hr/>
	\$39,793 94
	<hr/>
Capital paid in,	\$20,000 00
Deposites,	5,607 37
Notes in circulation,	13,913 37
Discounts received and profit and loss,	273 57
	<hr/>
	\$39,793 94

Charles A. Hopkins, cashier of the Bank of Constantine, being duly sworn says, that the above statement is a true exhibit of the affairs of said bank.

CHAS. AUG. HOPKINS, *Cashier.*

*Constantine, June 7, 1837.*

Subscribed and sworn to before me, this 8th day of June, A. D. 1837.

WILLIAM C. PEASE, *Justice of the Peace.*

*Calhoun County Bank, June 3, 1837.*

Due from other banks,	\$11,003 69
Specie,	5,259 33
Notes of other banks,	14,443 00
Bills receivable,	22,337 00
	<hr/>
Carried forward,	\$

## DOCUMENTS.

597

	Brought forward,	\$	
Expenses,			2,926 39
			<hr/>
			\$56,059 61
			<hr/>
Capital paid in,			\$20,000 00
Circulation,			28,327 00
Deposites,			7,732 61
			<hr/>
			\$56,059 61

The liabilities of the directors as makers are twenty-one hundred and forty dollars, and as endorsers eight thousand five hundred and sixty dollars—in all, ten thousand seven hundred dollars, (\$10,700 00.)

I, William V. Porter, cashier of the Calhoun county bank at Marshall, being duly sworn, do declare the foregoing statements are correct and true, to the best of my knowledge and belief.

WILLIAM V. PORTER, *Cashier.*

Sworn and subscribed to before me this 3d day of June, 1837.

MARVIN PRESTON, *Justice of the Peace.*

*A Statement of the affairs of the Bank of Washtenaw, 28th May, 1837.*

*Resources.*

Bills discounted,	\$157,814 45	
do. in suit,	19,923 90	
	<hr/>	\$177,738 35
Exchange account—		
L. A. Spalding,	22,688 00	
N. J. Brown,	10,000 00	
D. B. Brown,	3,500 00	
	<hr/>	36,188 00
Cash—specie,	2,398 32	
Notes of other banks,	5,820 00	
	<hr/>	8,218 32
Real estate,		2,520 00
Contingent expense account,		6,538 84
Brown, Buckland & Co., Buffalo,		5,051 00
Green, Brout & Co., New York,		796 13
Due from other banks,		1,677 61
		<hr/>
		\$238,708 25
		<hr/>

*Liabilities.*

Capital stock,	\$100,000 00
	<hr/>
Carried forward,	\$

	Brought forward,	\$
Discounts received,		6,865 30
Profit and loss,		3,520 62
Circulation,		104,201 00
Due to other banks,		4,408 00
L. A. Spalding,		13,602 66
Deposites,		6,120 67
		<hr/>
		\$238,708 26

*State of Michigan, Washtenaw County, ss.*

I, William S. Maynard, president of the Bank of Washtenaw, being duly sworn, do depose and say, that the foregoing statement is true and correct to the best of my knowledge and belief.

(Signed) WILLIAM S. MAYNARD.

Subscribed and sworn before me,

N. R. RAMSDELL, *Notary Public.*

*Statement of the affairs of the Bank of Macomb County, 8th June, 1837.*

Bills discounted and domestic exchange,	\$59,165 16
Cash items,	835 80
Due from other banks,	1,523 23
Notes of other banks,	3,863 00
Over-drafts,	682 87
Specie,	5,261 65

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\$71,331 71

Capital stock paid in,	\$23,080 00
Deposites,	2,583 00
Profits,	495 71
Circulation,	45,173 00

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\$71,331 71

Nine Directors' liabilities, \$6,500.

*State of Michigan, County of Macomb, ss.*

We, the undersigned, president and cashier of the Bank of Macomb county, do swear that the foregoing statement is a true exhibit of the affairs of this institution.

(Signed) JNO. STOCKTON, *Pres't.*

C. A. EMERSON, *Cash'r.*

*Bank of Tecumseh, May 25, 1837.*

Bills discounted,	\$45,939 47
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Carried forward, \$

## DOCUMENTS.

599

Brought forward,		\$
Due from other banks,		
Merchants' exchange bank, N. Y.,	\$255 27	
Bank of Troy,	7 50	
F. & M. bank, Detroit,	1 50	
M. & F. bank, Albany,	1,464 68	
	<hr/>	1,728 95
Calls of stock unpaid,		4,530 00
Profit and loss,		1,343 98
Cash—Specie,	12,863 88	
Bills of other banks,	2,835 00	
Items counted as cash,	115 00	
	<hr/>	15,813 88
		<hr/>
		\$69,356 28
		<hr/>
Capital stock,		\$30,000 00
Due to banks, &c.,		
Lockport bank,	3 25	
River Raisin & G. R. R. R. co.,	2,837 37	
Palmyra & Jackson R. R. co.,	2 37	
Erie and Kalamazoo R. R. bank,	669 20	
Michigan state bank,	1,024 52	
Bank of River Raisin,	58 79	
	<hr/>	4,595 50
Individual deposits,		8,429 78
Circulation,		26,331 00
		<hr/>
		\$69,356 28

Each director of the bank is required by the charter to give good and sufficient bonds in the sum of 10,000 dollars as collateral security to the bill-holder for the ultimate redemption of its issues. The stock of the River Raisin and Grand river railroad—capital \$1,500,000—is also pledged for the liquidation of its liabilities.

*State of Michigan, County of Lenoire, ss.*

I, Stillman Blanchard, president of the Bank of Tecumseh, being duly sworn, do depose and say that the foregoing statement is true and correct to the best of my knowledge and belief.

(Signed) S. BLANCHARD, *Pres't T. Bank.*

Subscribed and sworn this the 27th day of May, 1837.

(Signed) CHARLES HEWITT, *J. P.*

(No. 17.)

*Communication from the Regents of the University.**Detroit, June 13, 1837.**To the SPEAKER of the House of Representatives :*

SIR—As a member of the board of Regents of the University of Michigan, I have been instructed to ask of the legislature the following amendments to the act providing for the government of that institution :

1. An amendment to the act so as to invest the board of Regents with power to elect the chancellor, and prescribe his duties.

2. To amend the act so as to make the Governor of the state president of the board, and in his absence to authorize the Regents to elect a president pro. tem.

3. To invest the board with power to create such professorships in the university as they may deem proper, and to establish branches at their discretion.

The first amendment requested is asked in consideration of the fact, that the board of Regents are satisfied from the information they have received, that it was the intention of the legislature to confer upon them the power of electing the chancellor of the university, and as a necessary consequence, that they should have the authority to prescribe his duties.

They have been induced to ask the second amendment from suggestions which have occurred to them in the course of their deliberations upon the form of government best adapted to the success of the institution.

The third amendment is desired for the purpose of enabling the Regents to exercise a sound discretion in multiplying professorships and establishing branches as rapidly as the interest of the university will demand or its funds permit.

At present no such power can be exercised without an appeal to the legislature, and it is thought it will readily occur to that body that the Regents might be with safety vested with an authority which must be controlled by contingencies, and which will be guided by the interest of the public in its execution.

I have to request, sir, that you will submit these suggestions to the body over which you preside, and respectfully to ask their sanction of them at as early a day as practicable, the board of Regents having been compelled to suspend their deliberations until such amendments are made to the law organizing the University of Michigan, as are here suggested.

I have the honor to be

Your ob't servant,

STEVENS T. MASON.

*Committee on part of the Regents.*

# INDEX

## TO THE REGULAR SESSION OF 1837.

### A.

Adjournment—hour to which House shall stand adjourned,	Page.
Changed,	30
Of House of Representatives	150 209
Absence—leave of, granted to Messrs. Munger 45, Bur-	423
bank, Ralph and Brown, 50; Foote, 52; Butler, 63;	
Finch, 64; Gilbert, 69; Eldred and Ward, 85;	
Monfore and Martin, 86; Felch, 95; Calkin, 112;	
Brown, Haskins and Wing, 149; Cressey, 169; Pur-	
dy and Munger, 181; Brown, Lothrop, Alden and	
Calkin, 201; Job Smith, 202 208; Butler, 211;	
Kellogg, 218; Martin, 228; Ralph, Shattuck and	
Gilbert, 237; Clerk H. R., 243; Jos. Smith, 245;	
Brown and McGaffey, 250; Ballard, Felch and	
Wing, 253; Kingsley and Cressey, 255; Haskins,	
Wisner, Cressey and Sergeant-at-Arms, 259-60;	
Foote, 272; Yerkes, 294; Munger, Martin and	
Calkin, 297; Almy, 307; Finch, 311; Farrington	
and Brown, 327; Kellogg, 360; Ralph,	363
Auditor General—Report,	28
Communications from,	103 176 224 360

### B.

Bank of Monroe, (see "Resolutions,")	
Commissioner, communications from,	141 223
Of Washtenaw, statements from,	208 297 302
Farmers' and mechanics', statement from,	268 272
Of Michigan, communication from,	422
Of River Raisin, statement from,	302
Brady Guards, communication from,	239
Bridges, Edward N., appointed Bank Commissioner,	367

	Page.
✓ Barber, John M., nomination for Commissioner of Board of Internal Improvement confirmed,	409
Burdick, Justus, ditto,	411
House bills—to amend the several acts concerning the supreme and circuit courts and court of chancery of the state of Michigan, reported, 54; proceedings had, 190; passed H. R.	190
To authorize the administrators of Israel Owen, late of the county of Monroe, to make and execute a deed of certain real estate, reported, 56; proceedings had, 67; passed H. R.	67
To authorize Morris S. Hutchins to convey certain land, proceedings had, 63; passed H. R.	65
To incorporate the village of Coldwater, in the county of Branch, reported, 68; proceedings had, 76 78 95 209 217; passed H. R.	99
To repeal so much of the second section as relates to the rate of interest of an act, &c. to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and, for other purposes, introduced on leave, 71; passed H. R.	72
To authorize the board of supervisors of the county of Lapeer to loan a certain sum of money, introduced on leave, 72; proceedings had, 100 135 141 245; passed H. R.	102 277
To organize the county of Van Buren, introduced on leave,	73
To incorporate the Michigan wool growing and manufacturing company, introduced on leave, 79; proceedings had,	162 285 348
To vacate the present seat of justice of the county of Berrien and to establish the same at the village of Berrien, in said county, reported, 79; proceedings had, 102 106 244; passed H. R.	277
To authorize the supervisor and township clerk of Marshall to levy a tax on property assessed therein in 1836, reported, 86; proceedings had, 110 171; passed H. R.	133
To authorize Abigail Shumway to convey certain lands, introduced on leave, 99; proceedings had, 110	141
To authorize the Governor to appoint a private secretary, introduced on leave, 90; proceedings had, 110 112; passed H. R.	133-4
To legalize the organization of the county of Shiawassee, introduced on leave, 100; passed H. R.	100



# INDEX.

603.

	Page.
House Bills—To regulate the interest of money, proceedings had, 103-6-7 142-6-7-8 163-7 171-4 198-9	220
Authorizing and requiring the board of supervisors of Lenawee county to build a fire-proof register's office, reported, 104 ; proceedings had,	160
To amend an act entitled, &c. to provide for establishing seats of justice, reported,	105
To organize the counties of Van Buren and Eaton, reported, 105 ; proceedings had,	207
To incorporate the Lenawee county mutual insurance company, introduced on leave, 109 ; proceedings had, 131 150-4-8 168 ; passed H. R.	169
Providing for judgments recorded and filed in the clerk's office, a lien upon real estate, introduced on leave, 109 ; proceedings had,	155
To provide for taking the census, reported 105 ; proceedings had, 155 186 343, passed H. R. 250	374
For the regulation of internal improvement and for the appointment of a board of commissioners, reported 132, proceedings had, 108-4-6 205-6 381-2-7 ; passed, H. R.	206
To authorize the people of this state to extinguish by purchase the charter of the Detroit and St. Joseph railroad co., and for other purposes, reported 135 ; proceedings had, 180-4 218 222-3 225-6-8 237-8 240-2 247-8 352 356-7 369 ; passed H. R. 247,	377
To provide for the equalization of taxes, reported 137, proceedings had	138
To provide for keeping records of land sold for school taxes, reported 138, proceedings had 155, passed H. R.	157
To provide for a geological survey of the state, reported 138 ; proceedings had 153-4 ; passed H. R.	157
Amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes, reported 138 ; proceedings had 155 174 211 220 225 267 275-9 280 343; passed H. R. 303	362
To incorporate the stockholders of the Lapeer county bank, motion for leave not granted,	139
To amend an act entitled "An act to incorporate the Michigan state bank," reported 143 ; proceedings had, 169 270 281-6 303-4	
For the relief of Samuel A. Bartlett and Lemuel Colbath, reported, 143 ; proceedings had, 154 173	207
To incorporate the Pontiac and Huron river canal co. reported, 143 ; proceedings had, 201 213 249 250 267 ; passed H. R.	285

	Page.
House Bills—To incorporate the Detroit and Pontiac turnpike co., reported, 144 ; proceedings had, 170 217 224 246-7 250-1-6 ; passed H. R.	261
To organize and regulate banking associations, reported, 144 ; proceedings had, 184-5-8-9 195 197 200 216 313 ; passed H. R.	314
Authorizing a loan of a sum not exceeding \$5,000,000, reported, 144 ; proceedings had, 180-4-7 201 ; passed H. R.	201 398
Incorporating the village of White Pigeon, reported 149 ; proceedings had,	234
Appointing commissioners to lay out and establish a road from Dexter to Lyons, reported, 149 ; proceedings had,	168 174
To incorporate the village of Pontiac, reported, 150 ; proceedings had, 249 254 263 367 ; passed H. R.	272 324
To incorporate the Michigan mutual fire insurance co., reported, 150 ; proceedings had, 175 218 222 ; passed H. R.	284 370
To amend an act entitled "An act to authorize judges of probate to grant license to sell the real estate of minors and others," proceedings had, 153 ; passed H. R.	158
To provide for the election of state officers, reported, 157 ; proceedings had, 212 276 319 : passed H. R.	322 385
To amend an act entitled "An act to extend Fort street in the city of Detroit until it intersects the road leading from Detroit river to Dearbornville, reported, 157 ; proceedings had, 201 212 ; passed H. R. 217 ; other proceedings,	244 393
To provide for the location of seats of justice, reported, 161 ; proceedings,	193
To organize the township of Oronoka, introduced on leave,	162
To provide for recording patents for land, and for other purposes, reported 172 ; proceedings had,	213 216
To annex certain towns in the county of Oakland to Livingston and Genesee counties, reported,	172
To incorporate the Michigan insurance and loan company, introduced on leave, 173 ; proceedings had, 203 ; indefinitely postponed,	348
To incorporate the Adrian and Coldwater turnpike company, introduced on leave, 174 ; proceedings had, 270 295 ; passed H. R.	296 370
To vacate the seat of justice of Branch county and	

# INDEX.

605

Page.

- to establish the same at Coldwater village in said county, reported, 179; proceedings had, 192 222 232 253; passed H. R. 254-5; title changed and passed, 331
- To incorporate the Bloomfield road company, reported, 179; proceedings had, 217 223
- Authorizing the construction of certain dams therein named, reported, 179; proceedings had, 210 213: passed H. R. 218; other proceedings, 316 322 330 385
- To vacate the present seat of justice of Hillsdale, and providing for a relocation of the same, reported, 183; proceedings had, 264 270
- To incorporate the Ypsilanti and Flat rock canal and navigation company, reported, 183; proceedings had, 394
- To authorize the draining of certain lands, reported, 186; proceedings had, 213 243 306
- Granting to Norman Nash and Nicholas Agrault the right to keep and maintain a ferry across the St. Clair river, reported, 197; proceedings had, 234 260 280 294; passed H. R. 301; other proceedings, 359 383 387
- To incorporate the Grand river and Saginaw canal company, introduced on leave, 198
- To incorporate the Grand rapids bridge company, introduced on leave, 198; proceedings had, 277; passed H. R. 292 380; returned by Governor with objections, 400-1
- To amend an act entitled "An act to provide for the public and necessary expenses in the respective counties in this territory," reported, 204
- For the organization and support of primary schools, reported, 204; proceedings had, 223 227 286 337 338
- To legalize the proceedings, and incorporate the Dundee hydraulic company, introduced on leave, 205; proceedings had, 219 234 271 272
- To amend an act entitled "An act to extend Jefferson avenue to the intersection of the Grosse point road on Lake St. Clair," 213 370; passed H. R. 377
- To amend an act entitled "An act to organize the militia," reported, 214
- Authorizing the construction of a ship canal around the Falls of St. Marie, reported, 214; proceedings had, 233 238 239 240; passed H. R. 247
- To provide for the organization and government of the university of Michigan, reported, 219; proceedings had, 242-3-4; passed H. R. 353 376 261 351 605

	Page.
House Bills—To incorporate the Gibraltar and Clinton railroad company, reported, 225 ; proceedings had,	256 262 267
For the relief of John Goodrich, reported, 225 ; proceedings had, 270 305 ; passed H. R.	326
Granting to Thomas Palmer and others, the right to keep and maintain a ferry across the river St. Clair at Palmer, reported, 227 ; proceedings had, 267 296 304 311 ; passed H. R.	321 398
To amend an act entitled "An act to incorporate the Michigan and Huron institute," reported, 227 ; proceedings had, 351 ; passed H. R.	358
To incorporate Michigan college, reported, 222 ; proceedings had, 270 317 ; passed H. R. 322 ; other proceedings, 331 347 357 ; title altered and passed H. R.	375
To provide for the disposition of the university and primary school lands, and for other purposes, reported, 232 ; passed H. R. 249 ; other proceedings, 253 263 286 294 312 316 ; passed H. R.	324 325 361
To authorize the electors of Branch county to elect a county seat, reported,	232
In relation to the last will and testament of Jos. Salato, reported 232 ; proceedings had, 247 ; passed H. R. 261 ; other proceedings,	276 279
To organize certain townships, reported, 235 ; proceedings had,	267 281 282
To repeal certain acts, reported, 238 ; proceedings had,	264 281
Authorizing supervisors of Allegan to loan money for county buildings, introduced on leave, 250 ; proceedings,	280
Appointing commissioners to lay out and establish certain state roads, reported, 260 ; proceedings,	326
To incorporate the Saginaw and Genesee railroad company, introduced on leave, 260 ; proceedings had, 296 314 320 335 339 ; passed H. R.	340 397
To incorporate the Ypsilanti and Manchester railroad company, reported, 273 ; proceedings, 314 320 ; passed H. R.	340 397
To amend an act to incorporate the village of Niles, introduced on leave, 273 ; proceedings, 301 ; passed H. R.	308
Authorizing the supervisors of Wayne county to make allowance to the jailer of said county, reported, 273 ; proceedings,	298

# INDEX.

607

Page.

House Bills—To incorporate the Dowagiac hydraulic company, reported, 273 ; proceedings, 301 ; passed H. R.	307-8	351
For the relief of Martin Kundig, reported, 273 ; passed H. R.	292 ;	300
For the relief of Thomas Snyder, reported, 273 ; passed H. R.		286
Amendatory to an act entitled " An act to vacate the seat of justice of Berrien county and to establish the same at the village of Berrien," introduced on leave, 274 ; passed H. R.		318
To repeal an act entitled " An act to incorporate the Lake Erie and River Raisin railroad company,"	274 284 301	335
To amend an act, &c. to create a fund for the benefit of certain moneyed corporations, and for other purposes, introduced on leave, 281 ; proceedings had, 318 333 337 369 ; passed H. R.		370
To incorporate the Michigan institute association, introduced on leave, 281 ; proceedings,		299
To amend an act, &c. directing the settlement of estates of persons deceased, and for the conveyance of real estate, reported, 283 ; passed H. R.		389
To provide for the enlargement of the state library, reported, 283 ; proceedings, 294 ; passed H. R.		295
Relative to incorporations for manufacturing purposes, reported, 287 ; proceedings, 293 302 317 ; passed H. R.		323
For the organization of the county of Eaton, reported, 288 ; proceedings, 293 ; passed H. R.		326
To amend an act, &c. to regulate taverns, reported, 289 ; proceedings, 318 326 ; passed H. R.		332
To incorporate the Owasso canal company, introduced on leave,		291
To incorporate the Detroit and Shiawassee railroad company, reported, 296 ; proceedings, 314 320 335 ; passed H. R.	339	397
To locate the university of Michigan, reported, 299 ; proceedings, 301 308 332 341 ; passed H. R.		342
To discharge the demands for supporting the supremacy of the laws ; reported, 300 ; proceedings, 324 ; passed H. R.	326	398
To prohibit the banks of this state from issuing notes of a less denomination than five dollars, and for other purposes, reported, 305 ; proceedings, 307 335 ; passed H. R.		337

	Page.
House Bills—Regulating proceedings against corporations in equity, reported, 305 ; proceedings, 327 335 ; passed H. R.	345
Declaring a part of the St. Joseph and Coldwater rivers public highways, reported, 305 ; passed H. R.	317
To amend an act entitled "An act concerning mortgages," reported, 306 ; proceedings, 317 ; passed H. R.	323-4
To amend an act, &c. regulating highways, reported, 306-7 ; passed H. R.	351
Authorizing the board of supervisors of the several counties in this state to make allowance to jailers, 313 ; passed H. R.	323
To incorporate the Huron and Lapeer railroad company, introduced on leave,	314
Supplementary to an act to incorporate the St. Clair and Romeo railroad company, introduced on leave,	314
To incorporate the Detroit and Clinton river canal company, introduced on leave, 221 ; proceedings, 349 360 361 368 378 ; passed H. R. 379 ; other proceedings, 384 385 392 ; passed,	401
Authorizing the board of supervisors of any organized county to loan money for county buildings, introduced on leave, 321 ; proceedings, 336 344 360 ; passed H. R.	362
To authorize the draining of certain lands, 326 342 ; passed H. R.	344
To provide for resignations, vacancies and removals from office, introduced on leave, 327 ; proceedings, 336 ; passed H. R.	341
To provide for the renewal of sheriffs' bonds, introduced on leave, 327 ; passed H. R.	332
To attach a certain township to another township, introduced on leave, 336 ; passed H. R. and title altered,	345-6
To appropriate a portion of the five per cent. fund for the improvement of certain roads, introduced on leave, 348 ; proceedings,	358
To amend an act entitled "An act appointing com'rs to lay out and establish certain state roads," approved July 26, 1836, introduced on leave,	348
To incorporate the Black river navigation company, introduced on leave,	350
Authorizing the president and trustees of the village of Niles to loan a certain sum of money named therein, introduced on leave, 351 ; passed H. R.	352

# INDEX.

609

Page.

House Bills—To amend an act entitled, &c. to incorporate the village of Ann Arbor, reported,	352
To divide the township of Clinton, introduced on leave,	357
To amend an act entitled, &c. amendatory to an act herein recited and to provide for defraying the public and necessary charges for state, county and township purposes, introduced on leave, 357 ; proceedings, 363 372 ; passed H. R.,	392
To repeal an act entitled "An act to provide for establishing seats of justice, introduced on leave, 360 ; passed H. R.	371 420
To organize certain townships, introduced on leave, 360 ; passed H. R.	362 369
To provide for the disposal of the surplus revenue, introduced on leave, 364 ; proceedings had, 371 378 ; passed H. R., 380 ; other proceedings, 403 419 420 ; passed,	420
To amend an act entitled "An act to alter the terms of the circuit court of the first circuit," introduced on leave, 364 ; passed H. R.	365
In addition to an act entitled "An act to amend an act, &c. to incorporate the Detroit and Pontiac railroad co.," introduced on leave, 367 ; proceedings,	380
To amend an act entitled "An act concerning deeds and conveyances," introduced on leave, 371 ; passed H. R.	372
To amend an act entitled &c., concerning the Attorney General and district attorneys, reported, 371 ; proceedings,	381
To provide for the salaries of certain officers, reported, 371 ; passed H. R.	373 398
To incorporate the Marshall literary institute,	374
To amend an act entitled "An act to construct dams and improve the navigation of certain rivers," introduced on leave, passed H. R.	381
To authorize certain companies therein named to borrow a certain sum of money, introduced on leave, 388 passed H. R.	388
To amend an act entitled "An act for the regulation of internal improvement, and for the appointment of a board of commissioners," introduced on leave, 392 ; passed H. R.	392
Supplementary to an act entitled "An act for the regulation of internal improvement, and for the appointment of a board of commissioners," reported and passed the H. R.	402

	Page.
House Bills—To incorporate the Port Sheldon and Grand rapids railroad co.,	404
Senate Bills—To authorize David Gilbert, a minor, to sell certain land therein described, proceedings had, 71 74 107 ; passed H. R.	135
To fix the time for the annual meeting of the legislature, proceedings had, 71 74	102
To legalize the assessment of taxes for 1836 in the township of Cottrelville, St. Clair co., proceedings had, 99 ; passed H. R.	102
To extend the time for the payment and collection of certain taxes therein named, proceedings had, 135 138 140 144.	
To amend an act entitled "An act appointing commissioners to lay out and establish certain state roads, approved March 26, 1836," proceedings had, 150 171 ; passed H. R.	324
To repeal an act entitled, &c., to provide for establishing seats of justice, proceedings had, 163 170 ; passed H. R.	324
To authorize Nathaniel Odell to convey certain lands, proceedings had, 210 343 303 ; passed H. R.	316
To amend an act entitled, &c., to fix the rate of toll for grinding, proceedings, 210 ; passed H. R.	218
To furnish each organized county with a complete set of weights and measures, proceedings, 210 265 ; passed H. R.	324
To incorporate the counties of Ionia and Van Buren, proceedings, 225 233 ; passed H. R., 326 ; other proceedings, 334 ; passed,	363
To lay out a state road from Ypsilanti to Ridgeway, proceedings, 233 260 ; passed H. R.	325
To provide for the appointment of a state printer, and to prescribe his powers and duties, proceedings, 244 250	261
To alter the terms of the circuit court of the first circuit, proceedings, 244 ; passed H. R.	253
To provide for the election of justices of the peace in the new townships, and for other purposes, proceedings, 269 289 ; passed H. R.	324
To authorize and regulate limited copartnerships, proceedings, 263 286 296 : passed H. R.	326
For the relief of Martin Story, A. H. Stowell and N. B. Carpenter, proceedings, 269 278 292 314 : passed H. R.	397
To amend an act entitled, &c., to provide for the in-	



# INDEX.

611

Page.

specation of certain articles therein mentioned, proceedings,	269 278 292	300
To amend an act. entitled " An act to incorporate the Detroit and Maumee railroad company ;" proceedings, 278 294 ; passed H. R.		310
To authorize the board of supervisors of St. Joseph county to loan a certain sum of money, proceedings, 278 289 ; passed H. R.		303
To incorporate the village of Mount Clemens, proceedings, 278 289 303 ; passed H. R.	311	312
To organize certain townships, proceedings, 278 281 282 312 ; passed H. R.		323
To incorporate the village of Centreville, proceedings, 279 289 ; passed H. R.		303
To organize the county of Shiawassee and attach the county of Clinton to the same for judicial purposes, proceedings, 297 300 ; passed H. R.		312
To amend an act entitled " An act appointing commissioners to lay out and establish certain state roads," approved July 26, 1836 ; proceedings, 297 304 ; passed H. R.		324
Appointing commissioners to lay out and establish certain state roads, proceedings, 297 304 316 326 ; passed H. R.		335
To incorporate the village of Constantine, proceedings, 313 314 ; passed H. R.		315
To incorporate the village of Tecumseh, proceedings, 313 314 ; passed H. R.		315
To incorporate the Bank of the commonwealth of Michigan, proceedings, 313 342 344 362 391 ; postponed to 12th November,		403
Relative to the duties of sheriffs and jailers in certain cases, proceedings, 331 345 ; passed H. R.	348	359
To amend the ninth section of an act to prescribe the tenure of office of auctioneers and levy a duty on sales at auction in certain cases, proceedings,	334	344
To amend an act relative to the city of Detroit and the several acts amendatory thereto, proceedings, 334 342 344 345 ; passed H. R.	365	387
To amend an act entitled " An act to incorporate the trustees of the Spring Arbor seminary, proceedings, 334 342-4 ; passed,		345-7
To incorporate the city of Monroe, proceedings, 359 363 365 ; passed H. R. 370 ; other proceedings, 374 387 ; passed,		394

	Page.
Senate Bills—To authorize the president and trustees of St. Joseph to contract a loan, proceedings and passed H. R.	365
To authorize the supervisors of the county of Washtenaw to loan a certain sum of money, proceedings, 369 371 ; passed H. R.	384
Making appropriations in part for the year 1837, for the pay of officers and members of the legislature, proceedings, 374 384 ; passed H. R. 399 ; other proceedings,	398 404
To incorporate the Owasso and Saginaw navigation company, proceedings,	374 378 386
To incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road company, proceedings, 375 378 ; passed H. R.	385
To incorporate the Ladies' orphan association of the city of Detroit, proceedings, 381 385 ; passed H. R.	389
To provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes, proceedings, 388 ; passed H. R. 393 ; other proceedings,	399 406
To incorporate the Brest and Grand river railroad company, proceedings,	394 403
To incorporate the St. Joseph and Michigan City railroad company, proceedings,	395 403
To incorporate the Lake Huron and Detroit railroad company, proceedings,	395 403
To incorporate the New Buffalo and Hudson railroad company, proceedings,	395 403
To authorize the sale of certain lands, proceedings, 398 ; passed H. R.	398
Making appropriations for the year 1837, proceedings, 399 ; passed H. R.	404

## C.

Clerk, pro tempore, election of,	4
election of,	30
recording, election of,	31
enrolling and engrossing, election of,	31
Committee, special on elections, appointed,	4
to inform the Governor of the presence of a quorum,	4
to report rules, appointed,	29
Committees, standing, appointed,	37 38 44
on removal of seats of justice, appointed,	48
select, on Governor's message, appointed,	52

# INDEX.

613

Page.

Committees—on so much of the Governor's message as relates to River Raisin and Lake Erie railroad co., appointed,	42
on credentials of Wm. F. Mosely, appointed,	209
on bill to incorporate Michigan insurance co., appointed,	175
↓ on bill relative to purchase of Detroit and St. Joseph railroad co., appointed,	227
joint select, to investigate the conduct of the Bank of Monroe, and other banks, appointed,	61
(See Reports.)	
on resolution relative to instructing senators and representative in Congress, relative to pre-emption claims, appointed,	77
select, relative to inquiring into the conduct of an officer of the House, appointed,	246 255
↓ on internal improvement, discharged from consideration of certain subject,	161
ways and means, discharged from consideration of a certain subject,	161
to examine accounts of Auditor General and State Treasurer, appointed,	395
Committees of conference, appointed, 244-5 335-8 344 359 360 369 375 387 398-9 419.	
Credentials, E. J. Roberts and J. S. Heath, presented and referred,	5
(See Roberts, E. J. and Heath, J. S.)	
Colbath, Lemuel, presence announced and qualified,	26
Chief Justice, communication from,	28
referred,	43
(See Resolutions and Reports.)	
Contested elections, (see "Reports and Resolutions,")	
Convis, Hon. Ezra, death of, announced and proceedings had,	257
Call of the House,	305
Communication from John Norton, jr., T. C. Sheldon, and A. T. McReynolds, committee, &c.,	341
from common council of city of Detroit,	359
State Treasurer,	400
Commissioners board of internal improvement, nomination of,	405

## D.

Door keeper, election of,	31
↓ Detroit and St. Joseph railroad co., communication from,	28
referred,	43

## F.

Foote, Henry K., presence announced, qualified,	26
---	----

	Page
<b>H.</b>	
Heath, J. S., credentials presented,	5
proceedings had, (see "Reports and Resolutions,")	
other credentials, qualified,	176
leave to record vote on certain bill,	357
Historical society of Michigan, communication from,	384
Humphrey, Levi S., nomination for commissioner internal improvement, confirmed,	402
Hunt, Jas. B., ditto,	414 415

### I. J.

Joint assembly of both houses,	5 367 405 406 407
Jones, D. G., communication from,	259

### K.

Kent county, representative from, qualified,	28
--	----

### L.

Legislature, convening of,	3
Le Roy, Daniel, nomination for commissioner internal improvement, rejected,	411 412 413

### M.

Members' names, from the counties of Wayne, Washtenaw, Monroe, Oakland, Lenawee, Macomb, St. Joseph, Cass, Kalamazoo, Hillsdale, Branch, Berrien, Allegan, Calhoun, Jackson, Lapeer, Saginaw, Mackinac, and Chippewa,	3 4
Message, Governor's,	5 25
reference of,	42-5-6-8-9 52
from Executive,	28 46 58 111 140 150 158 160
168 171 181 188 208 210 219 225 246 252	
256 268 278 292 302 307 319 335-8-9 356 367	
376 379 388 399 400-2-4-5-6 414 416 419 420	
423	
Messages from Senate,	31 52 60 67 78 89 95 103 111
134 142 145 151 154 170 184 193 199 207 210	
222 225 228 233-9 243-6 261-4-7 270-2-5-6-7	
282-6 293 302-10-13-18 323 327 333-4-6 343	
350-2 360-3-4-6-7 380 382-7-8 392-4-5-6 397-8	
402-6-7-15-17-19-20 421 422.	
Memorial to Congress relative to Indians,	60

# INDEX.

615

Page.

Members absent on roll call, 185 190 194-7 202 213 219  
223-7-8 235-8 243-5 250-5-7-8 265 288 297 305  
314 320-8 344-9 357 395.

Mosely, Wm. F., credentials presented and proceedings, 20-8-9  
Marshall college, petitioners have leave to withdraw petition for, 387

McKinstry, David C., nomination for commissioner internal improvement, confirmed, 412 413

## N.

Notices for leave to introduce bills, 42 52 57 59 60-1 72  
86 90 112 137 140 157 162-3 191-8 204 225  
226 238 260 283-8 306-7 322 352 363 392

Nomination of board of commissioners of internal improvement, 405

## O.

Order of business, daily of, 49

## P.

Printer to the House, appointment of, 30

Petitions and remonstrances, presentation of, and proceedings, 30

of Jos. Sibley and others, 30

James Phillips and others, 30

Robert Wilson and others, 30

Sands McCamly and others, 38

Lyman Knight, 38

sundry inhabitants of Coldwater, Branch county, 39

Branch county, 39

James G. Rumsey and others, 39

sundry inhabitants of Kent county, 39

Monroe county, 39

St. Clair and Romeo railroad company, 39

Ralph Wadhams and others, Samuel A. Bartlett,

Chauncey Owen and others, 39

Aurora A. Gilbert, Edward Emmerson and others;

sundry inhabitants of St. Joseph county; Allen,

Hillsdale county; Niles, Berrien county; Ingham

county; Lenawee county; Wayne and Oakland;

Lenawee and Washtenaw; Clinton, Washtenaw,

Livingston, Ingham and Ionia; Robert Wood and

others, John Goodrich; sundry prisoners in Detroit

jail, 40 41

	Page.
Petitions—sundry inhabitants of Coldwater; of Fitz Rosman and others, E. Ingersoll, Joseph S. Gibbons and others, G. C. Leach,	44 45
sundry inhabitants of Bertrand, Berrien county,	50
Remonstrance, of sundry inhabitants of Lenawee county, Titus Dort and others,	51
Petitions—sundry inhabitants of Eaton county; Niles, Berrien county; Athens township; Adrian, Lenawee county; Ionia, Lenawee and Hillsdale; B. B. Kercheval and others, Henry Howard and others, D. H. Daniels and others, Stephen H. Willis and others, J. Bushnell, Dwight A. Lyman and Emeline Case,	55 56
sundry inhabitants of Pontiac; Monroe; Salmon Gregory and others; Michigan and Aurora institute,	58
sundry inhabitants of Niles, Berrien county; Clinton, Macomb county; Robert S. Griffin,	61
Remonstrance—sundry inhabitants of Branch county,	61
Petitions—sundry inhabitants of Allegan county; Niles, Berrien county; Monroe county; St. Joseph and Branch; Lucius Lyon and others, George Otto and others,	65 66
sundry inhabitants of this state; Clinton, Lenawee county,	67
sundry inhabitants of Cass county; Washtenaw and Wayne; Branch county, Genesee county,	70 72
N. B. Carpenter; sundry inhabitants of Saginaw county; Marshall, Calhoun county; Van Buren county; White Pigeon, St. Joseph county; G. D. Williams and others, Wessell Whitaker, Nathaniel Noble, Otis Preston, St. Clair and Romeo railroad company,	73 74
Remonstrance—inhabitants of Indian reserve at Niles,	73
sundry inhabitants of Branch county,	77
Petitions—sundry inhabitants of Branch county; Hillsdale county; Clinton, Macomb county; Oakland and Livingston; William Dugree and others,	77
sundry inhabitants of Oakland and Livingston; Hillsdale; Lenawee; Adrian, Lenawee county; Charles Kimball and others,	86 87
sundry inhabitants of Farmington, Oakland county; Hillsdale; Sardis Davis, et al.; Conrad Hayner,	89 90
sundry inhabitants of Hillsdale, Lenawee, Macomb, Van Buren; James H. Miller and others, Carlos W. Brown and others,	96 97
Remonstrance—inhabitants of Hillsdale,	96 97

# INDEX.

617

Page.

<b>Petitions</b> —sundry inhabitants of Oakland, Hillsdale, Macomb; of this state; Joseph Sibley and others, Samuel Colbath and others, Thomas Snyder, Robert Abbott, executor, &c., H. N. Baldwin; sundry inhabitants of Hillsdale; merchants of White Pigeon,	100-12 104
<b>Remonstrance</b> —William McClurg and others, sundry inhabitants of Hillsdale,	104
<b>Petitions</b> —sundry merchants of Norman, St. Joseph county; inhabitants of fifth senatorial district; Cass county; Monroe county; N. Champ,	108
<b>Remonstrance</b> —sundry inhabitants of Branch county,	112
<b>Petitions</b> —sundry citizens of Lapeer and Macomb; Auburn, Oakland county; Washtenaw, Branch, Monroe,	131 132
sundry citizens of Branch,	135
sundry citizens of Macomb, Cass, Hillsdale; Thomas Caldwell and others,	137 138
<b>Remonstrance</b> —Eliphalet Clark,	137 138
<b>Petitions</b> —sundry inhabitants of Livingston and Oakland, Ionia, Oakland, Wayne,	143
<b>Remonstrance</b> —sundry inhabitants of Hillsdale,	143
<b>Petitions</b> —John Hall and others,	149
sundry inhabitants of Eaton; Calhoun; Batavia, Branch county; Branch county; Pitt, Washtenaw county; Washtenaw and Wayne; Augusta, Washtenaw county; Kent; James Fowler and others, James Fraser and others; meeting at Grandville, Kent county,	152 153
sundry inhabitants of Mount Clemens; Raisinville, Monroe county,	156
sundry inhabitants of Livingston, Cass; Rochester, Oakland county; David Pearce and others, Silas Gould and others,	161
sundry inhabitants of Washtenaw; fifth senatorial district; Isaac E. Crary and others; sundry inhabitants of St. Clair, Macomb and Lapeer; Clinton, Lenawee county; David Rogers and others; Brady Guards.	169 172
sundry inhabitants of Cass county, Shiawassee, Lapeer Macomb and St. Clair; Horace Hinman and others,	177
Thomas Ewell and others; sundry inhabitants of Lenawee, Hillsdale and Lenawee, Cass,	182
sundry inhabitants of Niles, Berrien county: Saginaw, Allegan,	186

	Page.
Petition—sundry inhabitants of Lapeer and Macomb,	190 191
Remonstrance—sundry inhabitants of the town of Groveland,	190 191
Petitions—sundry inhabitants of Macomb; St. Clair, Lapeer and Macomb; Shiawassee and Oakland; Cottrelville, St. Clair county; E. J. Roberts, Oliver Draper and others; Ira Porter and others; Jerry Ford,	190 191
sundry citizens of Desmond, St. Clair county; Oakland; C. D. Wolcott and others,	194
Remonstrance—sundry inhabitants of Lapeer,	197
Petitions—sundry inhabitants of Bridgewater, Washtenaw county; Washtenaw; D. C. Stilwell and others,	197
John Lowry and others; A. B. Bates and others; Lemuel Bingham and heirs; sundry inhabitants of Ottawa county; Wayne; Ypsilanti, Washtenaw county,	202 203
Remonstrance—sundry inhabitants of Berks, St. Joseph county; Ottawa county,	202 203
Petitions—William Noble and others; Thomas Palmer and others; mechanics of St. Clair county; sundry inhabitants of Ionia, Clinton and Shiawassee; meeting of inhabitants of Lyons,	206
sundry citizens of Calhoun county; Clinton, Eaton and Ingham,	214
Remonstrance—sundry citizens of Livingston county,	214
Petitions—Hiram Bingham and others; Isaac Otis and others; J. M. Mead and others; citizens of Michigan,	219
sundry citizens of Detroit, Shiawassee, St. Clair,	224
George W. Fisk, jun.	227
sundry inhabitants of Augusta, Washtenaw county; of this state; Ann Arbor,	228 229
Remonstrance—sundry inhabitants of China, St. Clair county,	228 229
Petitions—Addison Chamberlin and others, B. Hobert and others,	228 229
sundry inhabitants of Jackson county,	245
Remonstrance—Moses Botherton and others,	256
sundry inhabitants of Hillsdale,	258-9
Petitions—sundry inhabitants of Ionia county; Jackson county; Levi Kirkham and others, James Anderson and E. H. Macy,	258-9
Daniel Thompson,	265
German inhabitants of Detroit, Lewis Bond,	272
O. Hawkins and others,	280
common council of village of Niles,	282



# INDEX.

619

	Page.
Remonstrance—inhabitants of Bertrand, Berrien county,	282
Petitions—of Ethrintye and others ; Sylvester Scott and others ; Benjamin Mercer and others ; sundry inhabitants of St. Joseph and Branch,	288-9
Remonstrance—sundry inhabitants of Wayne county,	292
Petitions—board of supervisors of Oakland county,	320
Joseph H. Ehles and others,	228
Remonstrance—sundry inhabitants of Genesee co.	228
Petitions—common council of Niles ; sundry inhabitants of this state ; Chippewa ; Oakland and Macomb,	349
sundry inhabitants of Macomb,	357
Remonstrance—sundry inhabitants of Monroe,	365

## R.

Roberts, E. J., credentials presented,	5
(proceedings had, (see "Reports and Resolutions,")	
permitted to take seat,	29
Rules, temporary, adopted,	26
suspension of, 43 44 49 53 56 64 72 75 90 100	
194 273 277 281-6-8 295 312 327 336 348 351	
357 360-1-5 370-3-5 380-1-7-8	
standing, adopted,	44
joint standing, introduced,	98
adopted,	137
Reports—special committee on elections, relative to Jos. Smith and Jas. Odell,	26 27
select committee on contested election in St. Clair co.	59 88
on contested election in Saginaw, Genesee and Shiawassee,	70 92 94 96 97
committee on elections, on contested election in Saginaw, Genesee and Shiawassee,	62 63 64 65
Bank Commissioner's,	28
select committee to revise and report rules,	31 36
Superintendent Public Instruction,	41
Auditor General and State Treasurer,	28 103
referred,	48
State Treasurer relative to weights and measures,	54
commissioners to view the county seat of Branch co.,	46
committee on printing,	48
on judiciary, 51 54 58 66 68 74 100 101 132	
138 141-3-4-5 161 170 172 204 214 219	
232 243 283 289 298 306 314 336 344	
352 371 383.	

	Page.
Reports—committee on enrolment, 58 90-9 109 138 170-2 194 212 245 250 273 279 281-8 292 327 336 363 383 396-7 400-4-7 415 417 418 420-1-2.	
on Indian affairs,	66
on banks and incorporations, 68 108 141 144 149 150 273 281 305 314 344 396.	
on organization of towns and counties, 68 161 225 235.	
St. Clair and Romeo railroad co.,	74
select committee on joint resolution instructing senators and representative in Congress relative to light- houses and harbors,	78
committee on removal of seats of justice, 79 80 81 90 92 110 138 150 172-3-7- 182 305.	
select committee relative to Lake Erie and River Rai- sin railroad co.,	81 85
committee ways and means, 86 138 143 265 273 298 328 330.	
on printing,	87 220 221 222
select committee on credentials of Wm. F. Mosely,	212
committee on militia,	214
committee on so much Governor's message as relates to ship canal around Falls St. Marie, 214 216 237	
on education,	219 227 299
on so much Governor's message as relates to the disposition of the school lands,	229 231
select committee relative to Brady Guards,	240
committee on library,	283
select committee to investigate complaint against an officer of the House,	287
committee on equalization of taxes,	306
✓select committee on resolution authorizing a loan of \$20,000 to Erie and Kalamazoo railroad co.,	328
joint select committee on banks,	105 107
✓committee on internal improvement, 112 131 132 135 136 144 156 188-6 224 260 273 282 287 296 330	
select committee on equalization of taxes,	137
on so much Governor's message as relates to a ge- ological survey,	138
select committee to which was referred the petition of inhabitants of Macomb county, relating to county business,	139
committee on roads and bridges, 139 149 157 179 197 227 260 326.	
on claims,	143 173 225 273 299 300 326

# INDEX.

621

Page.

Reports—committee on expiring laws,	157
agriculture and manufactures,	162 186
select committee on communication of Jno. Norton, jr.	
T. C. Sheldon, and A. T. McReynolds,	346
of Erie and Kalamazoo railroad co.,	335
Resolutions—empowering select committee on contested election in St. Clair co., to send for persons and papers, examine witnesses, and take testimony,	29
discharging select committee on contested election in St. Clair co., and referring matter to committee of the whole House,	60
declaring seat of member from the district of St. Clair vacant, &c.,	88
Resolutions—relative to furnishing members with newspapers, 29 37 57.	
relative to chaplain,	37 42
instructing clerk to prepare a manual,	37 47
relative to Lake Erie and River Raisin railroad co.,	42
referring so much of Bank Commissioner's report as relates to Lake Erie and River Raisin railroad co., to select committee to which so much of Governor's message as relates to that subject is referred,	47
instructing committee on judiciary relative to Lake Erie and River Raisin railroad co.,	88 98
joint, relative to Lake Erie and River Raisin railroad co.,	365 372
joint, relative to the appointment of fiscal agent,	43
referring Governor's message (see "Message, Governor's," reference of,)	43
instructing committee of ways and means,	45 180 306
on judiciary, 47 51 56 58 78 87 88 111 136	
139 140 162 174 179 194 204 226 237	
274 344 350.	
joint, relative to the residence of the Att'y Gen'l, 49 50 62	
requiring Att'y Gen'l to reside at the seat of government, (Senate,)	144 298 309
instructing committee on agriculture and manufactures,	51 52 153.
joint, relative to Bank of Monroe,	53
instructing senators and representative in Congress relative to light-houses & harbors, 56 68 69 102	
ditto, relative to pre-emption rights,	59 72
directing committee on internal improvement, 45 57	
60 157 191 235.	
relative to Chief Justice,	58
joint, relative to commissioner appointed to revise the laws, (Senate,)	69 71 106

	Page.
Resolutions—instructing committee on banks and incorpo- rations, 61 76 78 106 140 274.	
relative to bills and joint resolutions,	68
instructing senators and representative in Congress re- lative to the resolution of the U. S. Senate censu- ring Gen'l Jackson,	75
relative to imprisonment for debt,	76 369
instructing committee on removal of seats of justice, 78	140
relative to adjournment, introduced, 97; proceedings had, 101 109 137 209 226 232 248 266 268 274 331 336 416.	
relative to seats and pay of E. J. Roberts, J. S. Heath and J. K. Smith,	97
instructing committee on elections,	97-8
directing Secretary of State relative to the journals of H. R.	98
instructing joint select committee on Bank of Monroe and other banks,	101
committee on roads and bridges,	106
joint, relative to appropriations for light-houses and har- bors,	107
relative to the appointment of a reporter to the House, 109 145 149.	
requesting statement from Bank Commissioner,	136
joint, relative to banks,	109 136
requiring statement from banks,	168 191 218
joint, relative to a port of entry at St. Joseph, (Senate,) 112	
improving navigation of rivers, (Senate,) 112	
to daily mails, (Senate,) 112	
instructing committee on university & school lands, 145	198
joint, authorizing fiscal agent to advance John S. Bagg a certain sum of money, (Senate,) 146	150
directing the publication of the laws, (Senate,) 146 221-2 278 281 293	
requesting information from Auditor General,	153
authorizing clerk to employ assistant,	153
relative to portrait of George Washington, 163 350	364
joint, instructing senators and representative in Con- gress relative to five per cent. fund,	180 183
of thanks to senators and representative in Congress,	181
requiring names of absent members to be published,	184
instructing committee on claims,	186
joint, relative to the disposal of the surplus revenue,	194
relative to library,	202-7
instructing Auditor General and State Treasurer, 206-7	
relative to light-house at the mouth of Detroit river, (Senate,) 210	

# INDEX.

623

Page.

Resolutions—joint, instructing senators and representative in Congress relative to expenses in supporting supremacy of the laws,	218
instructing committees to which petitions for banks are referred,	219
joint, relative to state penitentiary, (Senate,) 233 245	416
relative to complaints against an officer of the House,	245
joint, authorizing a loan to the Detroit and St. Joseph railroad, (Senate,) 262	265
authorizing State Treasurer to loan certain sum of money to Erie and Kalamazoo railroad company,	265 318
instructing the different committees of the House to report all matters before them,	275 283 287
relative to adjourned session,	275 289 291 370
joint, appointing state printer,	279 283 284
prohibiting removal of county seats under certain restrictions,	283
authorizing and requiring State Treasurer to advance money to German association,	299
joint, relative to suspension of eighth joint rule, (Senate,) 310	310
authorizing and requiring state printer to publish certain laws,	321 337 349 350 361
relative to the nomination of a bank commissioner,	331-7 365-7
relative to the state tax in the county of Chippewa,	371
in the county of Mackinac,	381
appointing a commissioner to examine the accounts of the Treasurer and Auditor General of this state,	390
joint, relative to the revision of the laws, (Senate,) 390	390
allowing to Messrs. King and Levake, members from Chippewa and Mackinac, additional pay,	391 417-18
joint, relative to securities to be furnished by banking associations, (Senate,) 399	399
instructing fiscal agent to pay money,	400
relative to nominations for commissioners of the board of internal improvement,	404-5
relative to nomination of a commissioner of the board of internal improvements from Kent, Ottawa or Ionia counties, (in joint assembly of both houses,) 414	414
joint, giving certain instructions to state printer, (Senate,) 415	415
of thanks to Speaker,	418
relative to acts of incorporation,	419
to provide for the publication and distribution of the laws,	421-2

Resolutions—joint, relative to certain university lands, (Senate,)	Page.
appointing committee to wait on Governor and inform him that the House has finished all business before them,	422

## S.

St. Clair county—seat of representative from, contested, election referred to the people,	88
Speaker—pro tempore, election of,	4
election of,	30
Sergeant-at-arms—pro tempore, election of,	4
election of,	31
Smith, Joseph, qualified,	28
Smith, Jeremiah R., certificates of election presented, (for other proceedings, see "Reports and Resolutions.")	41
St. Clair and Romeo railroad company, communication from, 28 ; referred,	43
Secretary of State, communication from,	176
Stewart, Hart L., nomination for commissioner of board of internal improvement, confirmed,	408

## V.

Votes, reconsideration of, 47 52 56 97 137 168 195 223 308 331 347 361 374 384.	
Vacancy in committees filled,	108

## W.

Whipple, Charles W., excused from special committee on elections,	37
Williams, Gardner D., nomination for commissioner of board of internal improvement, confirmed,	409-10

# INDEX

## TO THE EXTRA SESSION OF 1837.

---

### A.

Absence, leave of granted Messrs. Monfore, 449 ; Eldred, 453  
Appeals from decision of chair, 461

### B.

Bank Commissioner's report, (document No. 16) 434  
Bills—an act to amend an act entitled "An act concerning  
mortgages," introduced on leave, 436 ; proceedings,  
440-6 451-2 464-5 ; passed H. R. 465-6481  
an act to provide for the election of a representative to  
Congress, reported, 439 ; proceedings, 440  
an act to amend an act entitled "An act amendatory  
and in addition to an act entitled 'An act to provide  
for the assessment and collection of township and  
county taxes,' approved March 20, 1837," 439 ; pro-  
ceedings, 439 465 ; passed H. R. 466 ; other pro-  
ceedings, 472  
an act to enable the inhabitants of the township of Or-  
ange to elect township officers, and for other purpo-  
ses, introduced on leave, 439 ; passed H. R. 439  
an act suspending certain provisions of law in relation  
to banks, and for other purposes, reported, 440 ; pro-  
ceedings, 443 444-6 451-2-5-6-7-8-9 460 ; passed  
H. R. 461 ; other proceedings, 473-4-8 ; passed H. R. 479  
an act to amend an act entitled "An act to provide for  
the disposition of the university and primary school  
lands," introduced on leave, 440 ; proceedings,  
440-1 ; passed H. R. 455

	Page.
<b>Bills</b> —an act to amend an act entitled “An act to provide for the organization and government of the university of Michigan, reported, 443 ; proceedings, 447 450 ; passed H. R.	451
an act to amend “An act to provide for the organization and support of primary schools, introduced on leave, 443 ; proceedings, 445-6 ; passed H. R.	451
a bill amendatory to an act entitled “An act to regulate general elections,” (Senate,) 443 445 ; passed H. R. 447 ; other proceedings, 452 462 ; passed H. R.	467
a bill to amend an act entitled “An act to organize and regulate banking associations,” introduced on leave, 443 ; proceedings, 447-8-9 454 ; passed H. R.	455
an act to amend an act entitled, &c. to amend an act entitled, &c. to amend “An act to organize the supreme court and establish circuit courts, approved July 26, 1836,” introduced on leave, 445, proceedings,	445
a bill to amend an act entitled “An act to establish branches of the Bank of Michigan and Farmers’ and mechanics’ bank, and Bank of River Raisin, introduced on leave, 449 ; passed H. R.	451
an act amendatory to an act entitled “An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,” introduced on leave, 454 ; proceedings, 464-5 ; passed H. R.	466
a bill to authorize the board of supervisors of Monroe county to borrow a certain sum of money, introduced on leave, 454 ; proceedings,	465
a bill to provide for the construction of a bridge over Conner’s creek on the extension of Jefferson avenue, introduced on leave, 455 ; passed H. R.	470
a bill to provide for the relief of the Palmyra and Jacksonburgh railroad, (Senate,) 462-3-4 ; passed H. R.	466
a bill to authorize the Maumee branch railroad co. to pass over the Havre branch railroad in connecting with the Kalamazoo railroad, (Senate,) 462 ; passed H. R.	467
a bill to legalize the official acts of Charles Peltier, deputy clerk of the county of Wayne, (Senate,) 462 463 ; passed H. R.	476
a bill for the relief of Andrew Backus, reported, 463 ; passed H. R.	469



## INDEX.

627

Page.

<b>Bills</b> —a bill to amend an act entitled “An act appointing commissioners to lay out and establish a state road from Dexter to Lyons, introduced on leave, and passed H. R.	464
a bill to amend an act appointing commissioners to lay out and establish certain state roads, approved March 26, 1836, introduced on leave and passed H. R.	464
a bill relative to the loan of certain sums of money (Senate,) 467; passed H. R.	468
a bill to provide for proceedings in chancery against corporations, and for other purposes, (Senate,) 467; passed H. R.	470
a bill to authorize certain counties therein named to borrow a certain sum of money, introduced, on leave, 467; passed H. R.	469
an act to prohibit the circulation of evidences of debt of a less amount than one dollar, and to provide for the punishment of the same, introduced on leave,	468
an act to amend an act appointing commissioners to lay out and establish certain state roads, approved July 26, 1833, introduced on leave, 470; proceedings, 471; passed H. R.	472
a bill to vacate a part of the village plat of Ann Arbor, (Senate,) passed H. R.	471
a bill relative to the town of Whiteford, (Senate,)	471
a bill making appropriations for the extra session of the legislature held and commenced on the second Monday of June, 1837, (Senate,) 477-9; passed H. R.	480 482

## C.

<b>Committee to wait on Governor and inform him of the presence of a quorum, appointed,</b>	427
to whom Governor's message referred,	435 437
to examine assessment law, appointed,	436
to examine official conduct of Geo. Morell, election of,	450
to wait on Governor and inform him the legislature are about to adjourn, appointed,	483

## H.

<b>House of Representatives, meeting of,</b>	427
members of, present at roll call,	427
adjournment of,	485

## M.

	Page.
Message—from Senate, 427-8 437 442 444 452 462	
467 471 472-5-6-8 480-1-2-4	
Governor's,	428 434
reference of,	435
from Executive,	451 470-7 480-2-4
Members absent on roll call, 435 438 441 444-9 453 463 468	
McCamly, Sands, credentials presented, qualified,	435-6

## N.

Notices for leave to introduce bills,	437 450-3-4
---------------------------------------	-------------

## P.

Petitions—sundry inhabitants of Lenawee county,	441
P. Pittman,	444
Emery Beal and others,	444
sundry inhabitants of Ionia county,	453
Andrew Backus, Sophia D. Clark,	453
sundry inhabitants of Branch county,	471

## R.

Resolutions—directing clerk to inform Senate of the presence of a quorum,	427
requesting Darius C. Jackson to officiate as sergeant-at-arms,	427
referring so much of Governor's message and documents accompanying same to joint select committee,	435
referring so much of Governor's message as relates to the election of a representative to Congress to select committee,	435
instructing committee on judiciary,	436
directing Speaker to fill vacancies in committees,	437
instructing state printer,	436 441
for the appointment of select committee to investigate the conduct of George Morell, one of the associate justices of the supreme court of this state, introduced,	442
436 ; proceedings, 440 ; adopted,	442
empowering select committee to investigate conduct of George Morell, to subpoena witnesses,	442
appointing committee to examine assessment law,	436
Rules—suspension of, 436 439 440 443 445-9 451-4	
464-5-6-7 470	